



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

* * * * *

CLAUDETTE DELEON, *

Plaintiff *

vs. *

CRAWFORD CENTRAL *

SCHOOL DISTRICT, *

CRAWFORD CENTRAL, * Case No.

SCHOOL BORAD, * 05-126E

MICHAEL E. DOLECKI *

SUPERINTENDENT, *

CHARLES E. HELLER, *

III, ASSISTANT *

SUPERINTENDENT, *

Defendants *

* * * * *

DEPOSITION OF

CLAUDETTE DELEON

April 24, 2006

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1	DEPOSITION	Page 2	I N D E X	Page 4
2	OR	1		2
3	3 CLAUDETTE DELBON, taken on behalf of	3	WITNESS: CLAUDETTE DELBON	
4	4 C.M. Plaintiff herein, pursuant to the	4	EXAMINATION	
5	5 Index of Civil Procedure, taken	5	by Attorney Nichols	7 - 67
6	6 Before me, the undersigned, Jackie	6	EXAMINATION	
7	7 Esposito, a Court Reporter and Notary	7	by Attorney Beach	68 - 73
8	8 Public In and for the Commonwealth of	8	CERTIFICATE	74
9	9 Pennsylvania, at the Days Inn, 18360	9		
10	10 Crescent Lake Road, Meadville,	10		
11	11 Pennsylvania, on Monday, April 24,	11		
12	12 2:06, beginning at 11:33 a.m.	12		
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1	A P P E A R A N C E S	Page 3	EXHIBIT PAGE	Page 5
2		2		
3	3 CRAIG NICHOLS, ESQUIRE	3	PAGE	
4	4 P.O. Box 1585	4	NUMBER DESCRIPTION IDENTIFIED	
5	5 K-1's, PM 16507	5	One Maziarz Letter	7
6	6 COUNSEL FOR PLAINTIFF	6	Two Bauer Deposition	12
7		7	Three Agreement Memo	25
8	8 ROBERTA BINDER BEACH, ESQUIRE	8	Four Continuing Education	27
9	9 Andrews & Beard	9	Certs	27
10	10 3366 Lynnwood Drive	10	Five Grievances & Opinions	38
11	11 P.O. Box 1311	11		
12	12 Altoona, PA 16603	12		
13	13 COUNSEL FOR DEFENDANT	13		
14		14		
15		15		
16		16		
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Page 6	Page 8
<p>1 OBJECTION PAGE</p> <p>2</p> <p>3 ATTORNEY PAGE</p> <p>4 Heath 19, 21, 40,</p> <p>5 42, 43, 48,</p> <p>6 51, 57, 64,</p> <p>7 71, 73</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>1 PROCEEDINGS</p> <p>2 -----</p> <p>3 CLAUDETTE DELEON, HAVING FIRST BEEN</p> <p>4 DULY SWORN, TESTIFIED AS FOLLOWS:</p> <p>5 -----</p> <p>6 EXAMINATION</p> <p>7 BY ATTORNEY NICHOLS:</p> <p>8 Q Okay. Ms. deLeon, there are</p> <p>9 four documents I would like to have</p> <p>10 you identify for background purposes.</p> <p>11 The first is an Affidavit prepared by</p> <p>12 Janine Maziarz, and I would ask that</p> <p>13 this be marked Plaintiff Exhibit</p> <p>14 Three (sic).</p> <p>15 (deLeon Exhibit Number</p> <p>16 One marked for</p> <p>17 identification.)</p> <p>18 ATTORNEY HEATH:</p> <p>19 Has this been</p> <p>20 previously produced?</p> <p>21 ATTORNEY NICHOLS:</p> <p>22 No, Counsel. No, it</p> <p>23 has not. No.</p> <p>24 BY ATTORNEY NICHOLS:</p> <p>25 Q Ms. deLeon, do you know Ms.</p>	<p>1 Maziarz?</p> <p>2 A Yes. I met --- yes. I've</p> <p>3 known her since I've been working at</p> <p>4 Meadville High School.</p> <p>5 Q And the circumstances under</p> <p>6 which you know her?</p> <p>7 A She's my colleague and she was</p> <p>8 the president of the Spanish</p> <p>9 department and we taught together in</p> <p>10 the same classroom.</p> <p>11 Q How long have you taught with</p> <p>12 her?</p> <p>13 A We have known each other for</p> <p>14 --- since I start working there in</p> <p>15 1991 until the present. Fifteen (15)</p> <p>16 years, 16, 17.</p> <p>17 Q Okay. She had submitted ---</p> <p>18 prepared and submitted an Affidavit</p> <p>19 and speaks to her relationship with</p> <p>20 you in the workplace and also the</p> <p>21 abuse that you have undergone since</p> <p>22 you served as a faculty member there;</p> <p>23 okay?</p> <p>24 A She was my crying shoulder.</p> <p>25 Q Okay. Exhibit Three.</p>
Page 7	Page 9
	<p>1 A A great deal of the harassment</p> <p>2 and suspensions and abuse that I</p> <p>3 suffered from this school district, I</p> <p>4 cry on her shoulder consistently. I</p> <p>5 had no other place to go. She's like</p> <p>6 my big sister. So I just cry and cry</p> <p>7 and cry and I explain it to her I</p> <p>8 have been reprimanded, I had been</p> <p>9 suspended, they have send me for a</p> <p>10 psychological evaluation, they</p> <p>11 harassed me, they watched me, they</p> <p>12 spy on me, Desher screamed, yelled</p> <p>13 at me, Templeton --- it was a living</p> <p>14 hell.</p> <p>15 And I went and talked to her</p> <p>16 about everything about what's going</p> <p>17 on since she was the first hand I</p> <p>18 would say experience of what had</p> <p>19 happened or what was going on. And</p> <p>20 she felt so sorry for me, but she</p> <p>21 could not help me. Unfortunately,</p> <p>22 she could just listen and feel sorry</p> <p>23 for me and there was nothing else she</p> <p>24 could do. But it was a great deal of</p> <p>25 help in a way that I had a person</p>

<p>1 that I could go cry on.</p> <p>2 QOkay. I have another document</p> <p>3 here I've asked to be marked.</p> <p>4 ATTORNEY HEATH:</p> <p>5 May I just ask a</p> <p>6 question, just because --- for</p> <p>7 housekeeping purposes? What</p> <p>8 are you marking --- are we</p> <p>9 continuing with deLeon and the</p> <p>10 numbering or are you ---</p> <p>11 because you're marking the</p> <p>12 witness is Plaintiff. We</p> <p>13 already have several Plaintiff</p> <p>14 Exhibits marked already. So</p> <p>15 if you --- I don't know if you</p> <p>16 wanted to mark it Englebaugh</p> <p>17 One and Two and then go back</p> <p>18 to the Plaintiff.</p> <p>19 OFF RECORD DISCUSSION</p> <p>20 ATTORNEY HEATH:</p> <p>21 And this is going to be</p> <p>22 then, what, Plaintiff ---</p> <p>23 we're just going to start all</p> <p>24 over again with the numbering?</p> <p>25 ATTORNEY NICHOLS:</p>	<p>Page 10</p> <p>1 Oh, deLeon One.</p> <p>2 ATTORNEY HEATH:</p> <p>3 Okay.</p> <p>4 ATTORNEY NICHOLS:</p> <p>5 Well, this will be</p> <p>6 deLeon Two then.</p> <p>7 (deLeon Exhibit Number</p> <p>8 Two marked for</p> <p>9 identification.)</p> <p>10 ATTORNEY HEATH:</p> <p>11 Yes.</p> <p>12 ATTORNEY NICHOLS:</p> <p>13 This is another copy of</p> <p>14 a deposition given by Kathleen</p> <p>15 Bauer. Okay.</p> <p>16 ATTORNEY HEATH:</p> <p>17 Was this previously</p> <p>18 produced?</p> <p>19 ATTORNEY NICHOLS:</p> <p>20 Previously.</p> <p>21 ATTORNEY HEATH:</p> <p>22 Did you submit this to</p> <p>23 me before?</p> <p>24 ATTORNEY NICHOLS:</p> <p>25 No. No. This is</p> <p>Page 12</p>
<p>1 Well, what do you</p> <p>2 suggest in terms of numbering</p> <p>3 sequence?</p> <p>4 ATTORNEY HEATH:</p> <p>5 Well, I guess deLeon at</p> <p>6 this point.</p> <p>7 ATTORNEY NICHOLS:</p> <p>8 So this will be --- you</p> <p>9 have these Englebaugh. Okay.</p> <p>10 deLeon One, Two and Three.</p> <p>11 Okay. Like that. Okay. All</p> <p>12 right.</p> <p>13 BY ATTORNEY NICHOLS:</p> <p>14 QNext, deLeon Four, that's just</p> <p>15 about ---.</p> <p>16 ATTORNEY HEATH:</p> <p>17 I didn't see Two and</p> <p>18 Three yet though.</p> <p>19 ATTORNEY NICHOLS:</p> <p>20 You have Three.</p> <p>21 ATTORNEY HEATH:</p> <p>22 No. This will be</p> <p>23 deLeon One which I think</p> <p>24 you're thinking is Three.</p> <p>25 ATTORNEY NICHOLS:</p>	<p>Page 11</p> <p>1 different.</p> <p>2 ATTORNEY HEATH:</p> <p>3 Okay.</p> <p>4 BY ATTORNEY NICHOLS:</p> <p>5 QNow, I show you this. You've</p> <p>6 seen this document before?</p> <p>7 ALU-huh (yes). Yes.</p> <p>8 ATTORNEY HEATH:</p> <p>9 Mr. Nichols, may I see</p> <p>10 it first?</p> <p>11 ATTORNEY NICHOLS:</p> <p>12 Yes. Sure. Sure.</p> <p>13 ATTORNEY HEATH:</p> <p>14 Thank you.</p> <p>15 ATTORNEY NICHOLS:</p> <p>16 I don't have extra</p> <p>17 copies.</p> <p>18 ATTORNEY HEATH:</p> <p>19 All right. I'll read</p> <p>20 it in full. If we can get a</p> <p>21 copy before --- or after we</p> <p>22 break ---</p> <p>23 ATTORNEY NICHOLS:</p> <p>24 Yes. Okay.</p> <p>25 ATTORNEY HEATH:</p> <p>Page 13</p>

Page 14	Page 16
<p>1 --- so I can read it.</p> <p>2 I'll appreciate it.</p> <p>3 ATTORNEY NICHOLS:</p> <p>4 Yes. All right.</p> <p>5 BY ATTORNEY NICHOLS:</p> <p>6 Q Do you know the basis of this</p> <p>7 deposition rendered by Ms. Bauer?</p> <p>8 A Yes. Yes, I know. I</p> <p>9 explained to them again in which we</p> <p>10 had parent night conference. We all</p> <p>11 were to have them. We were scheduled</p> <p>12 for that night, when there was</p> <p>13 parents, Mr. and Mrs. Hogan that came</p> <p>14 into the office, and he started</p> <p>15 yelling and screaming and Deslner</p> <p>16 came out of his office and he start</p> <p>17 screaming and yelling and me.</p> <p>18 And then I have the parents</p> <p>19 here and the principal and they were</p> <p>20 --- she was saying that we were</p> <p>21 scheduled to have that meeting there.</p> <p>22 I asked for the presentation. She</p> <p>23 refused to have union representation.</p> <p>24 The father was extremely rude,</p> <p>25 screaming that he was tired of me,</p>	<p>1 I didn't know is that these parents,</p> <p>2 they were outraged because somebody</p> <p>3 had submitted a drug and alcoholic</p> <p>4 referral for their son. Which wasn't</p> <p>5 I. I never did.</p> <p>6 ATTORNEY HEATH:</p> <p>7 Can I just say for the</p> <p>8 record, if you don't mind, can</p> <p>9 you just calm down? Slow down</p> <p>10 so I can hear you.</p> <p>11 A Okay. I'm very sorry. I</p> <p>12 don't want to get emotional, which</p> <p>13 I've been trying not to cry because</p> <p>14 I'm just so tired of crying.</p> <p>15 Needless to say, there was another</p> <p>16 teacher who had submitted a drug and</p> <p>17 alcoholic referral and he never</p> <p>18 called us for that parent night</p> <p>19 conference. I was the only one. And</p> <p>20 they claimed when we went into the</p> <p>21 meeting and our union representation,</p> <p>22 my son has no problem with any other</p> <p>23 teacher, but you.</p> <p>24 And I'm thinking, oh, my gosh,</p> <p>25 but then who turned in that drug and</p>
Page 15	Page 17
<p>1 swearing and Deslner was yelling at</p> <p>2 me. Why are you not prepared? We're</p> <p>3 supposed to have --- and I told him,</p> <p>4 this meeting was scheduled to be in</p> <p>5 the classroom like everybody else.</p> <p>6 All the teachers and they were</p> <p>7 supposed to be here at a later time.</p> <p>8 I was never told that they had moved</p> <p>9 that meeting over there. And he</p> <p>10 screamed and yelled, you should be</p> <p>11 prepared, you should be ready, go out</p> <p>12 and get your grade book. I asked</p> <p>13 him, I would like to have --- I was</p> <p>14 shaking and crying and saying,</p> <p>15 please, I would like to have union</p> <p>16 representation.</p> <p>17 And he was yelling and</p> <p>18 screaming, he got all red and</p> <p>19 spitting in my face like he always</p> <p>20 did whenever he's screaming and</p> <p>21 yelling and said, you should be</p> <p>22 prepared and you should be --- go and</p> <p>23 get your grade book and get all your</p> <p>24 files. And I'm thinking, what is</p> <p>25 going on? I was in shock. What I</p>	<p>1 alcoholic referral. I was totally</p> <p>2 confused until later on, and they</p> <p>3 kept saying, they have no problem</p> <p>4 with anybody, but you. And I'm</p> <p>5 thinking, what is going on. I just</p> <p>6 received the abuse and then I have</p> <p>7 the principal here siding with the</p> <p>8 parents and saying how terrible of a</p> <p>9 teacher I was.</p> <p>10 BY ATTORNEY NICHOLS:</p> <p>11 Q That's Mr. Hogan?</p> <p>12 A Mr. and Mrs. Hogan.</p> <p>13 Q And did Mr. Hogan or Mrs.</p> <p>14 Hogan verbally attack you?</p> <p>15 A Yes. They were screaming and</p> <p>16 yelling on how unprofessional I was.</p> <p>17 I was the worse teacher they ever</p> <p>18 had, their son was allowed to be</p> <p>19 there and say I'm not learning</p> <p>20 anything from this class.</p> <p>21 Q Now, was it made known then</p> <p>22 subsequent when it came down that you</p> <p>23 did not turn their son in for drug</p> <p>24 and alcoholic abuse, someone else may</p> <p>25 have done it? Was that made known to</p>

<p>Page 18</p> <p>1 Mr. Desimer?</p> <p>2 A No. It was never made known</p> <p>3 to the parents either. They just</p> <p>4 screamed, my son has no problem with</p> <p>5 anybody but you, and I was so</p> <p>6 confused at that point. I couldn't</p> <p>7 put the things together because I</p> <p>8 thought that maybe they otherwise had</p> <p>9 requested the drug and alcoholic</p> <p>10 referral. That's why all the</p> <p>11 referrals were being asked.</p> <p>12 But they brought up what these</p> <p>13 referrals said, look all the</p> <p>14 referrals of all the teachers, they</p> <p>15 have no problem with anybody, because</p> <p>16 the only one that called in from</p> <p>17 parent night conference only because</p> <p>18 of the performance and the disruptive</p> <p>19 behavior.</p> <p>20 Q My question is here though,</p> <p>21 Ms. deLeon, so I'm understanding it,</p> <p>22 I thought there was some confusion</p> <p>23 that concerned Mr. and Mrs. Hogan's</p> <p>24 son. And that's why they appeared</p> <p>25 there that evening at the</p>	<p>Page 20</p> <p>1 at the time about the --- that</p> <p>2 didn't put it together about</p> <p>3 the drug and alcohol referral</p> <p>4 and it didn't come up at the</p> <p>5 meeting.</p> <p>6 BY ATTORNEY NICHOLS:</p> <p>7 Q Did it come up?</p> <p>8 A All --- they had all these</p> <p>9 referrals.</p> <p>10 Q Take your time. Take your</p> <p>11 time. One thing at a time. All</p> <p>12 right. Did that issue come up at the</p> <p>13 meeting, that parent-teacher</p> <p>14 conference?</p> <p>15 A Of course not, because they</p> <p>16 were blaming me that the parents</p> <p>17 said.</p> <p>18 Q So it came up at the</p> <p>19 meeting ---</p> <p>20 A The only thing they said ---</p> <p>21 Q --- and they blamed you ---?</p> <p>22 A --- they blamed me that their</p> <p>23 son had problems with anybody but me.</p> <p>24 Q Okay.</p> <p>25 A They had no problems with</p>
<p>Page 19</p> <p>1 parent-teacher conference with you.</p> <p>2 And the record will show that they</p> <p>3 were very vocal to say the least</p> <p>4 toward you. Now, my question is, you</p> <p>5 said, it was a mistake, that you</p> <p>6 yourself did not make the referral on</p> <p>7 their son.</p> <p>8 ATTORNEY HEATH:</p> <p>9 Let me just object.</p> <p>10 A Okay.</p> <p>11 ATTORNEY HEATH:</p> <p>12 Wait. Let me just</p> <p>13 object for the record.</p> <p>14 ATTORNEY NICHOLS:</p> <p>15 Yes.</p> <p>16 ATTORNEY HEATH:</p> <p>17 First of all, I'm</p> <p>18 objecting to the form of the</p> <p>19 question. I'm objecting to</p> <p>20 your testifying for the</p> <p>21 witness. And thirdly, I'm</p> <p>22 objecting to your misstating</p> <p>23 what I believe the witness</p> <p>24 testified to where she's not</p> <p>25 even sure --- didn't even know</p>	<p>Page 21</p> <p>1 anybody but me. And they showed all</p> <p>2 of these referrals that they were ---</p> <p>3 according to the mother and the</p> <p>4 father, that they were positive</p> <p>5 referrals from other teachers. My</p> <p>6 son has no problems, but you are the</p> <p>7 only one.</p> <p>8 Q All right. Now, did you have</p> <p>9 an opportunity, did you make clear to</p> <p>10 them that that was a mistake, that</p> <p>11 you did not make the referral?</p> <p>12 A Oh, no, no. I asked them and</p> <p>13 I said why ---.</p> <p>14 ATTORNEY HEATH:</p> <p>15 Wait, wait, wait. I'm</p> <p>16 going to object. I think</p> <p>17 there's confusion as to what</p> <p>18 referral we're talking about.</p> <p>19 I think you're talking about</p> <p>20 that you were saying he was</p> <p>21 disruptive in class and had</p> <p>22 a problem with his academic</p> <p>23 performance.</p> <p>24 A That's the only thing ---.</p> <p>25 ATTORNEY HEATH:</p>

Page 22	Page 24
<p>1 And then the drug and 2 alcohol is a totally separate 3 issue? 4 A Right. But they thought I 5 submitted it. 6 BY ATTORNEY NICHOLS: 7 Q How do you know they thought 8 you submitted it? 9 A Because they said that they 10 have all these positive referrals of 11 all the teachers that he was in such 12 a good standing. However, they did 13 not tell me that the teacher that 14 turned the drug and alcoholic 15 referral, it wasn't there. They did 16 not put it there, because they had 17 not received it, because he's the one 18 who turned it in. 19 But since they --- since he 20 did not call them for the parent 21 night conference to talk to them 22 about their son's behavior, there 23 wasn't any other teacher but me. I 24 was just --- was the only one who was 25 scheduled at that parent conference.</p>	<p>1 Q Did he provide to you the 2 representation? 3 A No. He refused. 4 Q He refused? 5 A He said no. 6 Q All right. And did you agree 7 that ---? 8 A I did. I called the union 9 right away and I told him, and we 10 were supposed to go for a hearing. 11 But then later on when he was 12 scheduled, they counseled and then 13 they said, the union, that their 14 district refused to go. 15 Q Okay. Who at the union 16 represented you? 17 A Nobody represented me. 18 Q Okay. Was Mr. Jones involved? 19 A Mr. Jones filed a grievance 20 because of their refusal to have a 21 union representative ---. 22 Q Mr. Jones was a union lawyer 23 at that time, right? 24 A He was a union lawyer. And 25 then he said, we don't want to be in</p>
Page 23	Page 25
<p>1 Those drug and alcoholic are 2 confidential and there wasn't any 3 other teacher who called him but me. 4 They probably felt that I turned it 5 in. When I asked, why do you ask for 6 all of these referrals, they say, 7 well --- and they didn't know what to 8 say. But you did, you are the one 9 who said that our son had academic 10 problems. 11 Q Well, another question. You 12 asked for union representation at the 13 parent-teacher conference? 14 A I did. I begged them to ---. 15 Q And who did you ask? 16 A Mr. Deshner. 17 Q Okay. Mr. Deshner was at 18 the ---? 19 A He did my ---. 20 Q Was there present on that 21 occasion? 22 A Right. He came into the 23 office where he was screaming and 24 yelling that he was tired of me of 25 being a terrible teacher.</p>	<p>1 an antagonistic relationship with 2 this school district. They refused 3 to go. We are not going to go. 4 Q Okay. All right. Now, I ask 5 that you mark this del.eon Three, 6 please. 7 (del.eon Exhibit Number 8 Three marked for 9 identification.) 10 ATTORNEY HEATH: 11 May I see it, too? And 12 I'm assuming I didn't receive 13 this earlier on? 14 ATTORNEY NICHOLS: 15 No. No. 16 BY ATTORNEY NICHOLS: 17 Q Okay. You've seen what's been 18 marked as del.eon Three before? 19 A Uh-huh (yes). I do not agree 20 to withdraw, you see, because my 21 signature is not here. 22 Q But you understand? 23 A Yes. Right. The association 24 did it. I didn't. 25 Q But you understand the terms</p>

Page 26	Page 28
<p>1 cI the agreement, don't you, that was 2 struck between the school district 3 and the association? 4 ARight. But against me. This 5 was done against me. I wanted to go 6 to a hearing. 7 QRight. I understand. You've 8 stated that for the record. I'm 9 simply saying with respect to this 10 document. 11 ARight. 12 QYou understand the terms? 13 AAnd I told Mr. Jones I wanted 14 to go to the hearing. It's not 15 right. 16 QWell, we understand what this 17 is. This speaks for itself, but I 18 just want to make sure of the 19 document, okay? 20 ABut that's why they 21 discontinued because --- 22 QI understand. I understand. 23 But I just wanted to identify this 24 document and what it is. All right. 25 ATTORNEY NICHOLS:</p>	<p>1 ATTORNEY HEATH: 2 I would ask that you do 3 that. 4 ATTORNEY NICHOLS: 5 Okay. 6 ATTORNEY HEATH: 7 Thanks. 8 ATTORNEY NICHOLS: 9 All right. 10 BY ATTORNEY NICHOLS: 11 QThe collective contents of 12 what has been marked Exhibit Four, 13 deLeon Exhibit Four as follows. A 14 copy of her resume, Vista. A copy of 15 five professional references. A copy 16 of --- certificate of degree, Master 17 of Science earned at Mercyhurst 18 College. A copy of an honors 19 convocation certificate for academic 20 excellence, issued by Edinboro 21 University of Pennsylvania, Claudette 22 Mahoney 1986. A professional 23 certificate reflecting that Ms. 24 deLeon has earned a Master's 25 equivalency. This is granted by the</p>
Page 27	Page 29
<p>1 Now, I have a batch of 2 documents here which I would 3 ask to be marked together 4 collectively as deLeon Four. 5 And they're a batch of oral 6 and assortment of documents 7 and evidence in continuing 8 education completion, success 9 with completion of continuing 10 education courses by Ms. 11 deLeon. 12 (deLeon Exhibit Number 13 Four marked for 14 identification. 15 ATTORNEY HEATH: 16 Do you want to identify 17 them for the record or no, 18 each of them? 19 ATTORNEY NICHOLS: 20 Well, ---. 21 ATTORNEY HEATH: 22 Just so we know what's 23 supposed to be attached. 24 ATTORNEY NICHOLS: 25 Well, I can do that.</p>	<p>1 Pennsylvania Department of Education. 2 And then I have a copy of her 3 transcript of her academic work from 4 which she earned a Master's degree 5 granted by Mercyhurst College. A 6 Certificate of Appreciation issued to 7 Ms. deLeon in recognition of her 8 outstanding services and action 9 volunteer in Vista. A Raving Fan 10 Certificate granted to Ms. deLeon 11 congratulating her for a job well 12 done dated February 16th, '06. 13 Certificate of Attendance by Ms. 14 deLeon, Crawford Central School 15 --- issued by the Crawford Central 16 School District. 17 And she completed a pursuant 18 to Act 48 continuing professional 19 education courses and particular here 20 Excel Pre-Basics on March 8th, 2002, 21 CCSD from which she accrued 2.5 hours 22 credit signed by Mr. Heller. Another 23 certificate, Keys to Motivation is 24 entitled certified to Ms. deLeon 25 successfully completed. A course</p>

<p>Page 30</p> <p>1 entitled Keys to Motivation dated 2 January (sic) 26th, 1992. Next 3 certificate, Peer Coaching certified 4 to Ms. deLeon, or Ms. Mahoney at that 5 time, 1992, August '92, successfully 6 completed Peer Coaching. Another 7 diploma, a diploma which is issued 8 1971. 9 ALH-huh (yes). 10 Q And this is from ---. 11 A A musical seminar I do. 12 Q In Mexico? 13 ALH-huh (yes). 14 Q And then another certificate, 15 Expression of Appreciation, the 16 Rotary Club of Corry, Pennsylvania, 17 expresses appreciation to Ms. 18 Mahoney, Ms. Claudette Mahoney, 19 having served as a guest speaker, and 20 this was the date. It's not showing 21 the date. 22 A It's not on there. 23 Q Computer course papers at 24 March 8th, 2002, successfully which 25 she receive 2.5 hours continuing</p> <p>Page 31</p> <p>1 professional education. Erie County 2 Technical School, certification that 3 she has satisfactory completed, 4 course and introductory to computers, 5 30 --- earned 30 instructional hours, 6 March 10th, 1999. Another 7 certificate from Erie County 8 Technical School, Claudette 9 deLeon-McCracken, satisfactory 10 completed course of Microsoft Words, 11 April 29th, 1999, 30 instructional 12 hours. Okay. 13 Ms. deLeon successfully 14 completed a course working 15 successfully with difficult students 16 on March 28th, 2003. That was under 17 the auspices of the Crawford Central 18 School District, cost at \$155. Did 19 you pay for that personally? 20 ATTORNEY HEATH: 21 You have to say no. 22 A The school district did. No. 23 BY ATTORNEY NICHOLS: 24 Q Okay. Another part of her 25 transcript, of her --- your work, or</p>	<p>Page 32</p> <p>1 academic work at Edinboro University. 2 A No, Mercyhurst. 3 Q Oh, Mercyhurst. I see --- 4 Gannon. 5 A Right. I signed up for --- in 6 1999 I signed up for Mercyhurst for 7 my Master's, which is the beginning 8 giving credit for the couple of 9 courses I have taken at Gannon 10 University. 11 Q Okay. This is the same. 12 A That's classes I took there. 13 Q What is it? 14 A The workshop I took was --- I 15 took Discipline Strategies that Work 16 and this is their feedback of the 17 workshop I took which also provided 18 this. I have to give a feedback. 19 ATTORNEY HEATH: 20 Are you marking that? 21 I mean, is it going to be a 22 part of the ---? 23 ATTORNEY NICHOLS: 24 It's going to be a part 25 of ---.</p> <p>Page 33</p> <p>1 ATTORNEY HEATH: 2 I need you to identify 3 what it is. 4 ATTORNEY NICHOLS: 5 Yes, she just ---. 6 BY ATTORNEY NICHOLS: 7 Identify it? 8 A The title of the workshop, 9 Discipline and Strategies That Work, 10 given by Mark Boynton, principal of a 11 high school, and it was the workshop 12 that I attended and I have to give 13 the feedback to the school district. 14 Q Okay. Power Library? 15 A Another course I took given by 16 the school district, Power Library, 17 Power Library in-service. And they 18 --- it was according to the Act, 19 Continuing Professionally Education 20 record. 21 Q And there? 22 A And this, in-service August 23 26th --- it wasn't in-service. They 24 awarded me 9.5 hours for attending 25 the in-service. Allegheny Aesthetic</p>
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Page 34	Page 36
<p>1 Education Symposium, Creating 2 Landscapes I took at the Intermediate 3 Unit. It was in 1996, and it was to 4 in-service credit. Another workshop 5 I took given by the school district, 6 Safety Awareness Program, Awareness 7 Program, March 16, '95. Microsoft 8 Works, MS-DOS Version taken at the 9 Northwest Tri-County. 10 Introduction to Word Perfect, 11 Northwest Tri-County, Intermediate 12 Unit 1991. Oh, it was the 13 continuation of the Microsoft. There 14 has to be another one because word 15 processor --- I think it's the same. 16 I took another course to Millersville 17 University and I earned two points. 18 It was entitled, Corporate 19 Learning. 20 ATTORNEY HEATH: 21 When was that? 22 A That was 1991, summer of 1991. 23 Cooperative Learning, another class I 24 took. It was in June 21st, 1996. 25 Discipline Strategies that Work. I</p>	<p>1 Q All right. Well, that's --- 2 we offered this to receive that, 3 because I noticed for the record that 4 was stated. 5 A In 2001. 6 Q Yes. Okay. 7 A That's the one, 2002. 8 Q Also, while we're on this 9 point last inquiry here, or 10 deposition here, your competence as 11 an individual was called into 12 question by Counsel. I just want to 13 ask you now for the record, Ms. 14 deLeon, you were hired during all 15 relevant times with the school 16 district to teach Spanish, right? 17 A Spanish. Correct. 18 Q You were never hired to teach 19 English? 20 A No. I was never hired to 21 teach English. 22 Q Okay. One final document I 23 would ask that you identify. And I 24 provided opposing Counsel with copies 25 of these. These are the copies ---</p>
Page 35	Page 37
<p>1 already mentioned this. I attended 2 this workshop Avalon Hotel in Erie. 3 Teacher Effectiveness Training. It 4 was in 1992. And the second part of 5 Teacher Effectiveness which I 6 attended into Carleton College on April 7 3rd to 5 and April 24th through 26th. 8 And another workshop I took 9 from Cooperative Learning, it was 10 another week from the 17th to the 11 21st of 1996. And Project T.E.A.C.H., 12 another course I took from Gannon 13 University and that's in 1992. 14 Something that I would like to 15 state for the record is in 2001 when 16 they gave me an unsatisfactory they 17 stated that I did not show any 18 professional growth. Which was a 19 totally, totally lie, because I had 20 already been enrolled in Mercyhurst 21 in 1999. And I had --- they had 22 already given me 27 credits, which 23 the record is here, including 24 classroom management. 25 BY ATTORNEY NICHOLS:</p>	<p>1 four copies of the arbitration awards 2 rendered. It stated with the one 3 first rendered by Arbitrator 4 Stoltenberg then followed by 5 Arbitrator Talarico and then 6 Arbitrator Duff and then finally 7 Arbitrator Amis. 8 ATTORNEY HEATH: 9 And again, may I just 10 make a note for the record? 11 We have had an extensive 12 decision that will be the 13 subject of a motion coming in 14 May before Judge McGlaughlin 15 relative to whether or not the 16 Judge will determine within 17 his discretion to entertain 18 these arbitration awards into 19 evidence, and if so, what 20 weight he will give these 21 decisions. And also there 22 will be an issue that will be 23 raised before the Judge too, 24 concerning his position of 25 whether or not these</p>

Page 38	Page 40
<p>1 decisions, in fact, have any 2 collateral stoppel or res 3 judicata effects on the claims 4 that have been brought in this 5 federal litigation. 6 ATTORNEY NICHOLS: 7 Okay. Well, that's 8 been provided. And I offered 9 them -- I guess I can offer 10 them collectively as del Leon 11 Five. Okay. del Leon Five. 12 You have copies of these? 13 (del Leon Exhibit Number 14 Five marked for 15 identification. 16 ATTORNEY HEATH: 17 Yes, I do. 18 ATTORNEY NICHOLS: 19 Okay. Let me see now. 20 BY ATTORNEY NICHOLS: 21 QA few questions concerning 22 these documents. Ms. del Leon, with 23 respect to the arbitration proceeding 24 over which Arbitrator Stoltenberg 25 presided, did you testify at that</p>	<p>1 Deshner and Mr. Curry. As best as 2 you can recall, did these people 3 participate for --- Mr. Spadafore 4 represents the school district as the 5 lawyer? 6 ALH-huh (yes). 7 Q But these are other people, 8 Mr. LaScola, Mr. Dolecki, Mr. 9 Deshner, did they also testify, if 10 you recall? 11 A Yes. Mr. LaScola testified. 12 Mr. Dolecki was just present since he 13 was there as assistant 14 superintendent. Mr. Deshner 15 testified. Richard Curry, his 16 boyfriend, testified against me. 17 ATTORNEY HEATH: 18 Objection. 19 ATTORNEY NICHOLS: 20 Okay. 21 BY ATTORNEY NICHOLS: 22 Q All right. Moving to the 23 second proceeding, arbitration 24 proceeding. And this was under the 25 --- Mr. Talarico, Arbitrator</p>
Page 39	Page 41
<p>1 proceeding? 2 A Yes, I did. That whole entire 3 arbitration. Yes. 4 Q And are you aware of the 5 nature of the issues that were 6 involved there? 7 A Yes. They have given me an 8 unsatisfactory in '93-'94 and we went 9 into grievance and, of course, the 10 grievance was sustained. 11 Q In your favor? 12 A In my favor. 13 Q You were represented by 14 Counsel? 15 A Yes. It was by Mr. Jones. 16 Q Okay. And Mr. Jones 17 represents the union, is a lawyer for 18 the union? 19 A Represent --- correct. 20 Q And I noticed on the facing 21 page of the Arbitration decision as 22 shown appearing for the district, Mr. 23 Spadafore, Solicitor to the school 24 district, Mr. LaScola, 25 Superintendent, Mr. Dolecki and Mr.</p>	<p>1 Talarico. Do remember this 2 proceeding? 3 A Yes, I do. 4 Q You testified in this 5 proceeding also? 6 A Yes, I did. For my second 7 unsatisfactory, which I certainly 8 would like to say for the record that 9 it was a retaliation from the first 10 one, since it was given on my behalf, 11 they had to retaliate and they had to 12 do everything they wanted to in order 13 to prove themselves right. They were 14 not happy that I had won the first 15 grievance. So it was started, 16 retaliation events and I think it is 17 very important that Mr. --- 18 Q Now, this was in 1996? 19 A 1995-1996. 20 Q And the first arbitration 21 proceeding was what year? 22 A 1993-1994. 23 Q Okay. And Mr. Spadafore, the 24 second --- referred to the second 25 arbitration before Arbitrator</p>

Page 42	Page 44
<p>1 Talarico, Mr. Spadafore also 2 represented the school district; --- 3 ACorrect. 4 Q--- is that correct? 5 ACorrect. 6 QOkay. Did anybody else 7 testify as best that you can recall? 8 Did anybody else testify along these 9 proceedings other than yourself? 10 AOh, definitely. 11 QDo you recall who? 12 AYes. Mr. LaScola, Ms. 13 Templeton, Mr. Berkebile and another 14 union rep who stabbed me in the back, 15 Scott the music teacher. Which he 16 had been on the hot seat for stealing 17 funds, but I think they came to an 18 agreement that if he will testify 19 against me they will reinstate ---. 20 QAll these people? 21 ATTORNEY HEATH: 22 Objection. 23 AWhich they did. 24 BY ATTORNEY NICHOLS: 25 QAll these people testified?</p>	<p>1 and I don't have the 2 transcripts of these. I 3 suppose they can be available 4 through Mr. --- through the 5 union PSEA, but I --- you 6 know, I did rummage through 7 and I don't have those 8 transcripts. 9 ATTORNEY HEATH: 10 Okay. And again, my 11 point for the record is this. 12 I believe Judge McGlaughlin 13 and his past practice and what 14 he has said to us initially 15 has made it clear that he will 16 not entertain these decisions 17 in the record. And so if he 18 does put them in the record, 19 as persuasive before a jury, 20 he will not utilize them as 21 collateral estoppel or res 22 judicata purposes. And that 23 would be particularly 24 underscored if, in fact, there 25 is no transcript to mark the</p>
Page 43	Page 45
<p>1 AAgainst me. 2 QAgainst you? 3 AAgainst me. 4 ATTORNEY HEATH: 5 What's the union rep's 6 name? 7 AScott. 8 ATTORNEY HEATH: 9 Is it his first or last 10 name? 11 AJ can't remember his first 12 name, but they should know. They had 13 removed him from the decision because 14 of the funds that he stole ---. 15 ATTORNEY HEATH: 16 Okay. Objection. 17 ATTORNEY NICHOLS: 18 Ms. Heath, you asked 19 for the transcripts of these 20 proceedings, these earlier 21 proceedings? 22 ATTORNEY HEATH: 23 Yes. 24 ATTORNEY NICHOLS: 25 And I rummaged my files</p>	<p>1 proceedings. But again, this 2 is something that we will be 3 arguing about ---. 4 ATTORNEY NICHOLS: 5 Did he rule on --- I 6 don't think I ---. 7 ATTORNEY HEATH: 8 I didn't file my motion 9 yet, but I will. 10 ATTORNEY NICHOLS: 11 Yes. Because I don't 12 think --- I don't recall, you 13 know ---. 14 ATTORNEY HEATH: 15 It wasn't the subject 16 of the motion. 17 ATTORNEY NICHOLS: 18 Yes. 19 ATTORNEY HEATH: 20 But I will tell you in 21 other proceedings that he has 22 been involved in he barely 23 even lets the Arbitration 24 decision into evidence, 25 period.</p>

Page 46	Page 48
<p>1 ATTORNEY NICHOLS: 2 The only thing I can 3 say --- yes. We can get 4 those. 5 ATTORNEY HEATH: 6 And certainly we can 7 argue this fully in front of 8 the Judge. 9 ATTORNEY NICHOLS: 10 Yes. I just wanted to 11 say the various case law which 12 said that they're admissible 13 for probative purposes, I 14 think. 15 BY ATTORNEY NICHOLS: 16 Q All right. Moving forward to 17 the third arbitration proceeding and 18 Arbitrator Duff. Likewise, Ms. 19 deLeon, did you testify in this 20 proceedings? 21 A Yes, I did. 22 Q And you were represented by 23 the union lawyers? 24 A Mr. --- it was Mr. McEwen. 25 Q Okay. And on the other</p>	<p>1 your resignation. Was that an issue 2 during the proceeding? 3 ATTORNEY HEATH: 4 Objection. The record 5 speaks ---. 6 A Of course they came and asked 7 me to resign. 8 ATTORNEY HEATH: 9 Excuse me, there's an 10 objection. You must stop 11 speaking when I object. 12 ATTORNEY NICHOLS: 13 What were you saying? 14 ATTORNEY HEATH? 15 Objection to form. The 16 record speaks for itself. 17 ATTORNEY NICHOLS: 18 No. Now, the record is 19 not complete yet, because I 20 don't have a transcript. 21 ATTORNEY HEATH: 22 The decision 23 states ---. 24 ATTORNEY NICHOLS: 25 Yes, but I don't have a</p>
Page 47	Page 49
<p>1 opposition, do you recall who 2 testified, if anybody, or for the 3 district --- school district? 4 A Mr. Dolecki and Mr. Higgins. 5 Mr. Destner that I can remember. 6 ATTORNEY HEATH: 7 That's in --- for Duff? 8 A Yes. 9 ATTORNEY NICHOLS: 10 Yes. 11 BY ATTORNEY NICHOLS: 12 Q All right. And that was in 13 your favor? 14 A On my behalf, yes. 15 Q On your behalf. 16 A They had asked me to 17 respond --- 18 Q Right. 19 A --- given a medical excuse. 20 Q Now, in reviewing of 21 arbitration award, Arbitrator Duff 22 concluded that there was no basis for 23 the school district to have --- no, 24 no, no. Based on your medical 25 records, for them to have asked for</p>	<p>1 transcript. 2 ATTORNEY HEATH: 3 That's what the 4 decision said. 5 ATTORNEY NICHOLS: 6 Yes. You're absolutely 7 right. I agree with you. I'm 8 not asking should she testify. 9 What was the issue concerning 10 that, because Arbitrator Duff 11 --- if I may. 12 ATTORNEY HEATH: 13 Go ahead. 14 BY ATTORNEY NICHOLS: 15 Q On page 17 of Arbitrator 16 Duff's decision dated January 26th, 17 2004, he said this. In this case it 18 appears to be quite clear that none 19 of the general comments entered on 20 Claudette deLeon's professional 21 evaluation instrument dated March 22 18th, 2002 had anything to do with 23 her performance, prior to the month 24 of March 2002. Her emotional 25 distress exhibited on March 12th,</p>

<p>1 2002 simply did not, so far as the</p> <p>2 available information indicates,</p> <p>3 warrant a premature unsatisfactory</p> <p>4 rating for the entire 2001-2002</p> <p>5 school year without more supportive</p> <p>6 anecdotal records than the district</p> <p>7 ever produced.</p> <p>8 ATTORNEY HEATH:</p> <p>9 Thank you.</p> <p>10 BY ATTORNEY NICHOLS:</p> <p>11 QNow, that question --- and</p> <p>12 since, you know, this is on the</p> <p>13 record, and that's true, that speaks</p> <p>14 for itself. But you participated;</p> <p>15 did you not?</p> <p>16 AYes, I did.</p> <p>17 QOkay. Now, you were a</p> <p>18 witness?</p> <p>19 AYes, I did.</p> <p>20 QOkay. Now, I'm asking you</p> <p>21 now, was the issue dealing with your</p> <p>22 mental health raised during the</p> <p>23 proceedings, the arbitration</p> <p>24 proceeding?</p> <p>25 AYes.</p>	<p>Page 50</p> <p>1 didn't say for how long. They said,</p> <p>2 based on the medical excuse that you</p> <p>3 provided, that's what it says, based</p> <p>4 on the medical excuse that you</p> <p>5 provided, you are suspended. And he</p> <p>6 ordered me to go for a psychological</p> <p>7 evaluation and until done they will</p> <p>8 let me know what they would decide it</p> <p>9 and they asked me to resign. He said</p> <p>10 that Mr. Dolecki wants your</p> <p>11 resignation and you can take the rest</p> <p>12 of the year off in exchange of your</p> <p>13 resignation.</p> <p>14 QOkay. All right. Now, I have</p> <p>15 documentation as to that, but I was</p> <p>16 talking specifically during this</p> <p>17 arbitration proceeding before</p> <p>18 Arbitrator Duff on that particular</p> <p>19 issue dealing with your mental</p> <p>20 health, what would you testify to?</p> <p>21 AI was extremely upset. I was</p> <p>22 extremely depressed after three</p> <p>23 grievances, after the harassment, the</p> <p>24 abuse that I have experienced.</p> <p>25 Eventually --- although I have</p>
<p>Page 51</p> <p>1 QAnd what did you testify to</p> <p>2 concerning that?</p> <p>3 AThat as soon as I turned in my</p> <p>4 medical excuse for three days they</p> <p>5 asked me to resign. They asked me</p> <p>6 for my resignation and they also ---</p> <p>7 QWho? When you say they ---?</p> <p>8 ADr. --- Mr. Heller and Mr.</p> <p>9 Higgins was present.</p> <p>10 ATTORNEY HEATH:</p> <p>11 I'm just going to</p> <p>12 object for the record. This</p> <p>13 has already been addressed in</p> <p>14 previous depositions.</p> <p>15 BY ATTORNEY NICHOLS:</p> <p>16 QI want you to be clear. You</p> <p>17 fully answered my question? You said</p> <p>18 --- I asked you based upon what the</p> <p>19 Arbitrator concluded --- now, you</p> <p>20 testified and I'm asking you what did</p> <p>21 you testify to? Because I don't have</p> <p>22 access to the transcript.</p> <p>23 AMr. Heller gave me a letter of</p> <p>24 suspension for two months. Well,</p> <p>25 actually I was suspended and they</p>	<p>Page 53</p> <p>1 suffered already a nervous breakdown,</p> <p>2 that's why I had already taken a</p> <p>3 whole entire year off. And what I</p> <p>4 realized that the worst started all</p> <p>5 over again I had to take three days</p> <p>6 off.</p> <p>7 I went in to see my psychology</p> <p>8 and I told him what --- they were</p> <p>9 starting doing it again, all over</p> <p>10 again. And I told him my mental</p> <p>11 state is extremely delicate. I need</p> <p>12 some time off. My doctor even told</p> <p>13 him that particular day when they</p> <p>14 suspended me that I was not mentally</p> <p>15 able to go into the ---.</p> <p>16 QLet me ask you this now. Did</p> <p>17 your doctor testify during this</p> <p>18 Arbitration hearing?</p> <p>19 AHe sent a letter, faxed them a</p> <p>20 letter that I was not in a mental</p> <p>21 position to attend that meeting.</p> <p>22 because I knew they were going to do</p> <p>23 something ---.</p> <p>24 ATTORNEY HEATH:</p> <p>25 I don't think she's</p>

Page 54	Page 56
<p>1 hearing you. She didn't --- 2 you asked her if he testified. 3 I don't think she's hearing 4 you. 5 A No. No. My doctor did not 6 testify. 7 BY ATTORNEY NICHOLS: 8 Q But you say he sent a letter. 9 A He faxed a letter to them, to 10 the school. 11 Q Okay. All right. To the 12 school. 13 A To the school. 14 Q To the school district. Okay. 15 I have a copy of that. Now, one last 16 question concerning your testimony, 17 this arbitration proceeding before 18 Mr. Duff, and that is when you say 19 they were harassing. You testified 20 that they were harassing you, who 21 were you talking about when you said 22 they? 23 A I'm talking about Deshner. 24 Q And who else? 25 A Heller. He had just been</p>	<p>1 A Yes. There was a student. 2 One of my students that said that 3 whatever this other student had said 4 it was a lie. 5 Q And you were represented by 6 Mr. Jones, a union lawyer? 7 A Yes. I think all the evidence 8 I think were provided to the 9 Arbitrator because otherwise he would 10 have ruled on my behalf. And the 11 other girl said that whatever the 12 students were saying it was a lie. 13 He told them. 14 Q Let me ask you one question. 15 In the transcript --- no. In the 16 opinion, one of the issues --- one of 17 the --- you were charged with school 18 district for immorality. And that is 19 for having disclosed to the PHRC, in 20 particular Mr. Flippin, PHRC 21 representative and disclosed student 22 records. That issue of Mr. Arnis 23 raised that issued in preparing his 24 opinion, and he concluded that the 25 school district had not proven that</p>
<p>Page 55</p> <p>1 hired. He didn't know --- 2 Q And who else? That's alright, 3 who else? 4 A Mr. Higgins. 5 Q And Higgins. Okay. Deshner, 6 Heller, Higgins, Dolecki? 7 A Dolecki, eventually he came to 8 observe me and all he found was --- 9 Q Was he named in the 10 transcript? Did you identify him in 11 the transcript? 12 A Yes, he was. Yes, he was. 13 Yes, he was. 14 Q Okay. All right. 15 A He wanted to just find fault 16 with me. 17 Q All right. Well, that's fine. 18 That's fine. All right. You 19 answered the question. All right. 20 Now, one last arbitration opinion. 21 And that is before Mr. Arnis, rather 22 Lewis Arnis, did you also 23 testify ---? 24 A Yes, I did. 25 Q Did anybody testify for you?</p>	<p>Page 57</p> <p>1 charge. And therefore --- 2 ATTORNEY HEATH: 3 Immorality. 4 BY ATTORNEY NICHOLS: 5 Q --- he made adjustments, 6 excuse me. 7 ATTORNEY HEATH: 8 Again, I'm going to 9 object. The decision speaks 10 for itself. 11 ATTORNEY NICHOLS: 12 Yes. 13 ATTORNEY HEATH: 14 And there is simply, I 15 believe, my reading of the 16 decision. As he said, they 17 did not prove it was 18 immorality. 19 ATTORNEY NICHOLS: 20 Right. Did not prove 21 immorality, that was the 22 charge, but it did not prove. 23 ATTORNEY HEATH: 24 Not that it didn't 25 happen, but it wasn't</p>

<p>1 immorality under the code. 2 ATTORNEY NICHOLS: 3 No, no. We're not 4 disagreeing, Counsel. You're 5 saying that that --- I said, 6 he was charged with immorality 7 and you agreed. 8 ATTORNEY HEATH: 9 Right. 10 ATTORNEY NICHOLS: 11 And we both said that 12 there was no proof. There's 13 no ---. 14 ATTORNEY HEATH: 15 It's not proven 16 immorality? 17 ATTORNEY NICHOLS: 18 Right. That's right. 19 That's all I said; didn't I? 20 ATTORNEY HEATH: 21 Okay. That's fine. 22 ATTORNEY NICHOLS: 23 That's all I said. 24 BY ATTORNEY NICHOLS: 25 Q All right. And there was</p>	<p>Page 58</p> <p>1 dishonesty was shown? 2 A I was just being truthful. 3 Q Yes. There was nothing to be 4 dishonest and you tried to --- no 5 deceit shown, no dishonesty. 6 A And actually they brought it 7 up on themselves because calling 8 students to testify --- 9 Q Okay. That's fine. That's 10 fine. 11 A --- and talk against me and 12 then the students come and openly say 13 those comments in front of the 14 classroom, saying, because of you I 15 have been called to the office and 16 say what you want me to say and 17 they're consistently trying to find 18 out information behind my back. And 19 the students love me now. 20 Q <i>deLeon</i> Five. Okay. 21 A They are the ones that give 22 information telling the entire class 23 that I'm going to be fired. 24 ATTORNEY HEATH: 25 Counsel, can you</p> <p>Page 60</p>
<p>1 adjustments made in terms of the 2 penalty it says. In terms of 3 reduction for five-day suspension to 4 a three-day suspension? 5 A Correct. 6 Q All right. Okay. 7 A Which I have never been 8 reimbursed for it. 9 Q Okay. Now, is there --- you 10 gave testimony regarding that 11 particular charge? 12 A Yes. I told them, and I told 13 them. I gave information that I felt 14 it was pertinent to continue the 15 investigation. That's all I did. 16 Provide information as much as I 17 could in order to support my case of 18 discrimination, hostility, abuse, 19 retaliation, everything that I 20 had ---. 21 Q All right. That's fine. I 22 just want to say in closing. You 23 specifically said in the record, I 24 think it's important that there was 25 no dishonesty shown on your part. No</p> <p>Page 59</p>	<p>1 please ---? 2 ATTORNEY NICHOLS: 3 Yes. 4 ATTORNEY HEATH: 5 I don't believe there's 6 a question pending. 7 ATTORNEY NICHOLS: 8 Yes. All right. Okay. 9 Now, that's all the documents 10 I had offered. Just one thing 11 in terms that I would ask that 12 you can make Mr. Dolecki 13 available. Not today, perhaps 14 tomorrow, --- 15 ATTORNEY HEATH: 16 I've accepted all 17 proof. 18 ATTORNEY NICHOLS: 19 --- in question to 20 offer of proof is this. 21 BY ATTORNEY NICHOLS: 22 Q My question relating to the 23 ADA. 24 ATTORNEY HEATH: 25 Why couldn't you ask in</p> <p>Page 61</p>

Page 62	Page 64
<p>1 the last deposition?</p> <p>2 ATTORNEY NICHOLS:</p> <p>3 Well, ---.</p> <p>4 ATTORNEY HEATH:</p> <p>5 Was there new</p> <p>6 information that was</p> <p>7 presented?</p> <p>8 ATTORNEY NICHOLS:</p> <p>9 It's not --- well, not</p> <p>10 necessarily new information,</p> <p>11 information which questions</p> <p>12 that one related to when I say</p> <p>13 the ADA suspension of Ms.</p> <p>14 deLeon per March 18th, 2002</p> <p>15 letter he issued to her. Then</p> <p>16 a subsequent letter ---.</p> <p>17 ATTORNEY HEATH:</p> <p>18 That was Mr. Heller's</p> <p>19 letter actually.</p> <p>20 ATTORNEY NICHOLS:</p> <p>21 Excuse me.</p> <p>22 ATTORNEY HEATH:</p> <p>23 I believe the</p> <p>24 suspension, March 18th, 2002</p> <p>25 is Mr. Heller's letter.</p>	<p>1 medical reasons and there certainly</p> <p>2 was a letter that was --- came to</p> <p>3 him, just prior to --- came to him</p> <p>4 from Dr. Megataurus just prior to the</p> <p>5 issuance of the --- now, that's the</p> <p>6 first day.</p> <p>7 ATTORNEY HEATH:</p> <p>8 Okay. And let me</p> <p>9 respond. I'm going to object</p> <p>10 and I'm going to make you file</p> <p>11 a motion. Because I'll tell</p> <p>12 you why. This was discussed</p> <p>13 in Mr. Dolecki's deposition.</p> <p>14 We discussed the suspension,</p> <p>15 we discussed the letter. This</p> <p>16 is not simply if you forgot to</p> <p>17 ask him something and you get</p> <p>18 to depose him again and</p> <p>19 disrupt everyone's schedules.</p> <p>20 I don't think that's fair.</p> <p>21 So on that basis, I</p> <p>22 don't believe that you</p> <p>23 sustained an offer of proof to</p> <p>24 recall him. Now, if you want</p> <p>25 to try to subpoena him again</p>
Page 63	Page 65
<p>1 ATTORNEY NICHOLS:</p> <p>2 He delivered it, but he</p> <p>3 didn't sign it.</p> <p>4 ATTORNEY HEATH:</p> <p>5 I believe he did.</p> <p>6 ATTORNEY NICHOLS:</p> <p>7 I don't think so. I</p> <p>8 have a copy ---.</p> <p>9 ATTORNEY HEATH:</p> <p>10 And anyway, we can get</p> <p>11 into it this afternoon.</p> <p>12 ATTORNEY NICHOLS:</p> <p>13 Yes. Right. Right.</p> <p>14 But what I'm saying is I</p> <p>15 believe that letter was</p> <p>16 issued. It was a suspension,</p> <p>17 and it was issued by Mr.</p> <p>18 Dolecki, first of all.</p> <p>19 BY ATTORNEY NICHOLS:</p> <p>20 Q Right. And in questioning is</p> <p>21 prior to issuing the letter, whether</p> <p>22 he consulted with Dr. Megataurus</p> <p>23 (phonetic), because he did</p> <p>24 acknowledge in the letter that was</p> <p>25 the basis for the suspension, was the</p>	<p>1 you can do that, but I don't</p> <p>2 think it's fair for you to</p> <p>3 recall him because you forgot</p> <p>4 to ask him a question. And I</p> <p>5 believe that an area was</p> <p>6 already discussed at his</p> <p>7 deposition which is shown in</p> <p>8 the transcript.</p> <p>9 ATTORNEY NICHOLS:</p> <p>10 Well, I did have more</p> <p>11 than one question. And</p> <p>12 they're pertinent and relevant</p> <p>13 issues because they focus on</p> <p>14 the ADA --- completes the ADA</p> <p>15 Compliance responsibility.</p> <p>16 Certainly this particular</p> <p>17 issue, critical issue, as it</p> <p>18 relates to Mr. Dolecki's</p> <p>19 responsibility on the ADA is</p> <p>20 important. And that's why I</p> <p>21 ask that he be made available.</p> <p>22 Of course, if not, then I'll</p> <p>23 just have to issue another</p> <p>24 subpoena for his presence.</p> <p>25 Okay.</p>

<p>Page 66</p> <p>1 ATTORNEY HEATH: 2 But is that the extent 3 of your offer of proof? 4 ATTORNEY NICHOLS: 5 That and --- 6 ATTORNEY HEATH: 7 There's no new 8 information that has come to 9 light between the time you 10 deposed him and now? 11 ATTORNEY NICHOLS: 12 The question was new 13 information, Counsel, is a 14 question of trying to find all 15 the relevant facts as to the 16 discharge and his compliance 17 responsibility on the ADA. 18 ATTORNEY HEATH: 19 But there's nothing 20 that stopped you from asking 21 him about that when he was 22 before you to depose him. 23 ATTORNEY NICHOLS: 24 But I want to ask him 25 more questions. I have more</p>	<p>Page 68</p> <p>1 Okay. Are you finished 2 with her. I was going to ask 3 her some questions. 4 EXAMINATION 5 BY ATTORNEY HEATH: 6 QSimply, Ms. deLeon, relative 7 to the certifications that were made 8 as part of deLeon Exhibit Four that 9 you addressed, isn't it true that all 10 teachers are required to have Act 48 11 credits in a certain amount in order 12 to continue teaching? 13 AIt just has been recently 14 approved, but before that there were 15 many teachers that they didn't take 16 --- I know particular didn't even 17 take any class for the last ten years 18 and she would never approve of that. 19 QWhat I'm asking you is, the 20 fact that you took these credits, 21 that's not unusual? 22 ANo. Because I've been taking 23 it since '93 --- '92, '93, '91. 24 QOther teachers take them too? 25 ANo. Many teachers have a</p>
<p>Page 67</p> <p>1 --- I think I have a right to 2 that. 3 ATTORNEY HEATH: 4 Okay. 5 ATTORNEY NICHOLS: 6 I think I have a right 7 to do that. 8 ATTORNEY HEATH: 9 That's your opinion. 10 That's fine. 11 ATTORNEY NICHOLS: 12 Okay. I'm just asking 13 now will you voluntarily make 14 him available? 15 ATTORNEY HEATH: 16 No, I will not. 17 ATTORNEY NICHOLS: 18 You will not? 19 ATTORNEY HEATH: 20 No, I will not. 21 ATTORNEY NICHOLS: 22 Okay. I'll issue him 23 another subpoena for him. 24 Okay. 25 ATTORNEY HEATH:</p>	<p>Page 69</p> <p>1 Master's which I signed on my own 2 since 1989. 3 QMy question is about your 4 in-service training and your Act 48 5 credits. The certificates that you 6 have marked here for the most part, 7 when it comes to your in-service 8 training, it shows that you attended 9 the class. It has nothing to do with 10 how well you performed in the class; 11 isn't that correct? 12 AYes, it has to do, because I 13 sat for the Master's in 1999. 14 QNo. I'm not talking about 15 your Master's. I'm not talking about 16 --- please listen to my question. 17 Please listen to my question. We'll 18 get through this much quicker. 19 Relative to some of the in-service 20 training and the certificates that 21 you had as part of your Exhibit Four, 22 there were certificates indicating 23 that you completed a class. For 24 example, on computer skills or 25 in-service training, those</p>

Page 70	Page 72
<p>1 certificates show you attended; 2 correct? 3 A. Correct. 4 QI does not necessarily say 5 that you --- that there was no test 6 involved. You didn't successfully 7 complete the class. It's simply in 8 attending a seminar or an in-service 9 credit or a training? 10 A. There's a transcript with all 11 the courses I took from Mercyhurst. 12 QI'm not talking about ---. 13 A.I can take tests. 14 QI'm not talking about what you 15 took for your Master's. I'm talking 16 about credits that you took, there 17 were many of them mentioned. For 18 example, discipline strategies that 19 work or the power library in-service 20 or the III-8 in-service that shows 21 that you went and attended classes 22 for credit? 23 A. Correct. But also ---. 24 QI understand that. That is 25 not my question. Would you please</p>	<p>1 ---. Other that she attended, 2 if it doesn't say, it just 3 doesn't say. The documents 4 speak for themselves. I don't 5 want to argue. I don't want 6 to argue. 7 ATTORNEY HEATH: 8 Okay. Then again, I 9 just would like the record to 10 reflect that again the witness 11 is refusing to respond to my 12 question. This is an ongoing 13 issue, it will be part of the 14 subject of motion regarding 15 the witness' seeming inability 16 to actually successfully try 17 to get through a deposition 18 without arguing or without 19 testifying and simply 20 answering the question. 21 ATTORNEY NICHOLS: 22 Yes. Right. The only 23 thing she can offer is what we 24 can produce. 25 AI would like to be more</p>
Page 71	Page 73
<p>1 answer my question? 2 A. Because you're not listening. 3 ATTORNEY HEATH: 4 Objection. Objection. 5 If you have a follow-up 6 question, you can ask her, 7 please. I would like one --- 8 one record to be clear, just 9 one. 10 ATTORNEY NICHOLS: 11 Yes. The only 12 thing ---. 13 A. What does my transcript mean? 14 ATTORNEY NICHOLS: 15 Claudette, I don't see 16 any reason for --- I don't see 17 what is in dispute. 18 ATTORNEY HEATH: 19 I'm not asking about a 20 transcript. 21 ATTORNEY NICHOLS: 22 One is and some of the 23 documents, those that she 24 attended say that she 25 successfully completed through</p>	<p>1 specific in explaining to the ---. 2 BY ATTORNEY HEATH: 3 QI understand you have a 4 Master's. It speaks for itself. 5 A. But I was implying ---. 6 ATTORNEY HEATH: 7 Objection. We're off 8 the record. 9 OFF RECORD DISCUSSION, WHEREUPON 10 11 ***** 12 DEPOSITION CONCLUDED AT 12:29 P.M. 13 ***** 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 COMMONWEALTH OF PENNSYLVANIA)
2 COUNTY OF VENANGO)
3

4 C E R T I F I C A T E
5

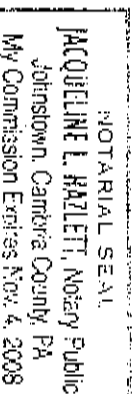
6 I, Jacqueline L. Hazlett, a Notary Public in
7 and for the Commonwealth of Pennsylvania, do
8 hereby certify:
9

10 That the witness whose testimony appears in
11 the foregoing deposition, was duly sworn by me on
12 said date and that the transcribed deposition of
13 said witness is a true record of the testimony
14 given by said witness;
15

16 That the proceeding is herein recorded fully
17 and accurately;
18

19 That I am neither attorney nor counsel for,
20 nor related to any of the parties to the action in
21 which these depositions were taken, and further
22 that I am not a relative of any attorney or
23 counsel employed by the parties hereto, or
24 financially interested in this action.
25

Jacqueline L. Hazlett
Jacqueline L. Hazlett, Reporter



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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

CLAUDETE DELEON, *

Plaintiff, *

vs. * Case No:

CRAWFORD CENTRAL SCHOOL * 05-126E

DISTRICT, CRAWFORD *

CENTRAL SCHOOL BOARD, *

Defendants, *

MICHAEL E. DOLECKI, *

SUPERINTENDENT, *

Defendant, *

CHARLES E. HELLER, III, *

ASSISTANT SUPERINTENDENT, *

Defendant *

* * * * *

DEPOSITION OF

PATRICIA DEARDORFF

March 6, 2006

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Page 2	Page 4
<p>1 DEPOSITION</p> <p>2 OF</p> <p>3 PATRICIA DEARDORFF, taken on behalf of</p> <p>4 the Defendants herein, pursuant to the</p> <p>5 Rules of Civil Procedure, taken before</p> <p>6 me, the undersigned, Wendy Blair, a</p> <p>7 Court Reporter and Commissioner of</p> <p>8 Deeds in and for the Commonwealth of</p> <p>9 Pennsylvania, at the administrative</p> <p>10 offices of Crawford Central School</p> <p>11 District, 11280 Mercer Pike, Meadville,</p> <p>12 Pennsylvania, on Monday, March 6, 2006,</p> <p>13 beginning at 4:00 p.m.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2</p> <p>3 WITNESS: PATRICIA DEARDORFF</p> <p>4 EXAMINATION</p> <p>5 By Attorney Heath 7 33</p> <p>6 EXAMINATION</p> <p>7 By Attorney Nichols 33 -49</p> <p>8 CERTIFICATE 50</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 CALEB L. NICHOLS, ESQUIRE</p> <p>4 P.O. Box 1585</p> <p>5 Erie, PA 16507</p> <p>6 COUNSEL FOR PLAINTIFF</p> <p>7</p> <p>8 ROBERTA BINDER HEATH, ESQUIRE</p> <p>9 Andrews and Beard</p> <p>10 3366 Lynnwood Drive</p> <p>11 P.O. Box 1311</p> <p>12 Altoona, PA 16603-1311</p> <p>13 COUNSEL FOR DEFENDANTS</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 EXHIBIT PAGE</p> <p>2</p> <p>3 PAGE</p> <p>4 NUMBER DESCRIPTION IDENTIFIED</p> <p>5 One Survey 17</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>1 OBJECTION PAGE</p> <p>2</p> <p>3 ATTORNEY PAGE</p> <p>4 Heath 36, 40, 44, 45, 45, 48</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 6</p> <p>1 representative in some capacity and as</p> <p>2 to what you may recall about some of</p> <p>3 the issues that have been brought up to</p> <p>4 Ms. deLeon by the administration.</p> <p>5 And this deposition, even though</p> <p>6 it is an informal setting, you are</p> <p>7 under oath, as you've been sworn in,</p> <p>8 and there is going to be a record, and</p> <p>9 that's why we have a Court Reporter</p> <p>10 here who's going to be taking down</p> <p>11 everything that anybody in this room</p> <p>12 says. Therefore, it's important that</p> <p>13 you're clear with regard to my</p> <p>14 questions or Mr. Nichol's questions.</p> <p>15 If you don't understand a question that</p> <p>16 I may ask you, please let me know and</p> <p>17 I'll be happy to repeat or rephrase the</p> <p>18 question for you. If you do answer the</p> <p>19 question, I will assume you understood</p> <p>20 the question. Is that clear?</p> <p>21 A:Yes.</p> <p>22 Q:Now, hopefully we won't be too</p> <p>23 long today. I know you've been waiting</p> <p>24 a long time, and I apologize for that,</p> <p>25 but if you need to take a break at any</p> <p>Page 8</p>
<p>1 P R O C E E D I N G S</p> <p>2</p> <p>3 PATRICIA DEARDORFF, HAVING FIRST BEEN</p> <p>4 DULY SWORN, TESTIFIED AS FOLLOWS:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY ATTORNEY HEATH:</p> <p>8 Q Can you please and spell your</p> <p>9 name for the record?</p> <p>10 A Sure. Patricia Ann Deardorff,</p> <p>11 D-E-A-R-D-O-R-F-F.</p> <p>12 Q Ms. Deardorff, I've been</p> <p>13 retained to represent the Crawford</p> <p>14 Central School District and Misterns</p> <p>15 Dolecki and Heller in a lawsuit that's</p> <p>16 been brought in the Federal Court by</p> <p>17 Claudette deLeon concerning her</p> <p>18 employment with the District and her</p> <p>19 subsequent or ultimate termination from</p> <p>20 that employment. And the reason I'm</p> <p>21 here today is just to get some general</p> <p>22 information from you concerning your</p> <p>23 knowledge that you had about Ms.</p> <p>24 deLeon, particularly when you were in a</p> <p>25 position of being a union</p> <p>Page 7</p>	<p>1 time, that's fine. You are here</p> <p>2 pursuant to a subpoena; is that</p> <p>3 correct?</p> <p>4 A:That's correct.</p> <p>5 Q And I would also ask one more</p> <p>6 thing of you, that you keep your</p> <p>7 responses verbal because the Court</p> <p>8 Reporter cannot take down a gesture or</p> <p>9 a nod or something of that nature, a</p> <p>10 shrug of the shoulders, or an uh-huh or</p> <p>11 an uh-uh. So if it's yes or no, please</p> <p>12 let me know. Are we ready to go?</p> <p>13 A:Yes.</p> <p>14 Q You're currently employed with</p> <p>15 the Crawford Central School District;</p> <p>16 is that correct?</p> <p>17 A:That's correct.</p> <p>18 Q How long have you been employed</p> <p>19 by the District?</p> <p>20 A:Thirty-two (32) years.</p> <p>21 Q What is your current position?</p> <p>22 A:Principal at Cochranon</p> <p>23 Elementary School.</p> <p>24 Q And how long have you had that</p> <p>25 position?</p> <p>Page 9</p>

Page 10	Page 12
<p>1 A One year.</p> <p>2 Q Which would be --- is it ---</p> <p>3 A This year.</p> <p>4 Q --- the 2005/2006 school year?</p> <p>5 A That's correct.</p> <p>6 Q When did you become part of the</p> <p>7 administration, or an administrator, I</p> <p>8 should say?</p> <p>9 A The year 2003/2004, I was</p> <p>10 assistant principal at Meadville Area</p> <p>11 Senior High School for that year and</p> <p>12 the following year.</p> <p>13 Q So 2003/2004, 2004/2005, you</p> <p>14 were the assistant principal for</p> <p>15 Meadville?</p> <p>16 A Yes.</p> <p>17 Q Prior to that time, what did you</p> <p>18 do for the District, prior to 2003?</p> <p>19 A I was a classroom teacher,</p> <p>20 elementary classroom teacher.</p> <p>21 Q What did you teach, what grade?</p> <p>22 A I taught kindergarten, first,</p> <p>23 second, third, fourth, sixth, and</p> <p>24 reading.</p> <p>25 Q Not all at once, I wouldn't</p>	<p>1 certification for the elementary and</p> <p>2 secondary principal?</p> <p>3 A I first received my elementary</p> <p>4 certificate, I think, in May of 2002.</p> <p>5 I received my secondary in May of 2003.</p> <p>6 Q And what did you have to do to</p> <p>7 pursue those certifications? What</p> <p>8 other courses did you have to take?</p> <p>9 A For each one of those, I took</p> <p>10 probably a total of five courses</p> <p>11 apiece, each of those dealing with</p> <p>12 administration budget, personnel.</p> <p>13 Q Where did you take those</p> <p>14 classes?</p> <p>15 A Edinboro.</p> <p>16 Q When did you receive your</p> <p>17 Master's degree?</p> <p>18 A 1975.</p> <p>19 Q And where was that from?</p> <p>20 A Edinboro.</p> <p>21 Q Any other education?</p> <p>22 A I've taken various classes in</p> <p>23 classroom management, and reading and</p> <p>24 math, but they were graduate courses</p> <p>25 just to better myself professionally.</p>
Page 11	Page 13
<p>1 I imagine ---.</p> <p>2 A No.</p> <p>3 Q Prior to working for the</p> <p>4 Crawford Central School District, did</p> <p>5 you work at any other school districts?</p> <p>6 A No, I did not.</p> <p>7 Q Was this your first job coming</p> <p>8 out of college, or did you have other</p> <p>9 employment?</p> <p>10 A That's my first job.</p> <p>11 Q Where did you go to college?</p> <p>12 A Edinboro University.</p> <p>13 Q And when did you graduate?</p> <p>14 A 1972.</p> <p>15 Q What was your major?</p> <p>16 A Elementary education, and area</p> <p>17 of concentration in early childhood.</p> <p>18 Q Have you taken any subsequent</p> <p>19 courses relative to your education</p> <p>20 after that?</p> <p>21 A Yes. Yes, I have a Master's in</p> <p>22 reading, and I have a certificate in</p> <p>23 elementary and secondary principal,</p> <p>24 administration.</p> <p>25 Q When did you receive that</p>	<p>1 Q And where did you take them,</p> <p>2 Edinboro?</p> <p>3 A Gannon.</p> <p>4 Q Gannon. You previously had held</p> <p>5 union positions; is that correct?</p> <p>6 A That's correct.</p> <p>7 Q What positions did you hold, and</p> <p>8 can you also provide me with the dates,</p> <p>9 or the general dates?</p> <p>10 A I was union president from 1998</p> <p>11 through the school year of 2002. And I</p> <p>12 was grievance chairperson from</p> <p>13 approximately 1983 to 1998.</p> <p>14 Q Now, it's my understanding from</p> <p>15 some of the previous testimony that</p> <p>16 we've had that after you are no longer</p> <p>17 union president, you become second</p> <p>18 vice-president, so you're still</p> <p>19 involved in the upper hierarchy of the</p> <p>20 union; is that correct?</p> <p>21 A That's correct.</p> <p>22 Q And in this particular case,</p> <p>23 were you consulted about Ms. deLeon</p> <p>24 after you had stopped being union</p> <p>25 president, which would be in 2002?</p>

Page 14	Page 16
<p>1 A Yes.</p> <p>2 Q And in what capacity were you</p> <p>3 consulted after that time?</p> <p>4 A It's usually for background</p> <p>5 information to update them as to what</p> <p>6 had happened previously and maybe some</p> <p>7 concerns that they might have, just in</p> <p>8 the general maintenance of a grievance</p> <p>9 or whatever.</p> <p>10 Q Is it fair to say that you have</p> <p>11 been involved with Ms. deLeon since the</p> <p>12 mid-1990s relative to grievances or</p> <p>13 other proceedings that may have</p> <p>14 occurred while you were the grievance</p> <p>15 chairperson?</p> <p>16 A Yes.</p> <p>17 Q And then when you were union</p> <p>18 president from 1998 to 2002, did you</p> <p>19 have any interactions with Ms. deLeon?</p> <p>20 A Yes, I did.</p> <p>21 Q And what do you recall?</p> <p>22 A There were various occasions in</p> <p>23 which the administration would call and</p> <p>24 ask me to attend a meeting that they</p> <p>25 were going to have with Ms. deLeon, and</p>	<p>1 have been for the year 2001/2002 ---</p> <p>2 I'm sorry, 2002/2003?</p> <p>3 A Yes.</p> <p>4 Q And given what you knew about</p> <p>5 the administration's concerns at that</p> <p>6 time, did you believe that corrective</p> <p>7 action plan was warranted?</p> <p>8 A Yes.</p> <p>9 Q Going back to your being the</p> <p>10 grievance chairperson in the 1990s,</p> <p>11 were you aware of any parental</p> <p>12 complaints concerning Ms. deLeon</p> <p>13 dealing with a student by the name of</p> <p>14 Brian Gray?</p> <p>15 A Yes.</p> <p>16 Q What do you recall?</p> <p>17 A I was called by the union</p> <p>18 president at that time to attend the</p> <p>19 meeting that was being held with Mr.</p> <p>20 Deshner and Ms. deLeon concerning a</p> <p>21 survey that she had given her students,</p> <p>22 and that's all I knew at that point.</p> <p>23 So I went into the meeting with Ms.</p> <p>24 deLeon, and Mr. Deshner informed her at</p> <p>25 that time that that survey could no</p>
Page 15	Page 17
<p>1 I would --- my main concern even at</p> <p>2 that point was to make sure that her</p> <p>3 rights were not violated and that</p> <p>4 things were met, information was passed</p> <p>5 onto PSEA so that decisions could be</p> <p>6 made.</p> <p>7 Q Were you aware of any corrective</p> <p>8 action plan that Ms. deLeon was subject</p> <p>9 to in the year 2000/2001?</p> <p>10 A Yes, I was.</p> <p>11 Q And did you ever have an</p> <p>12 opportunity to review that corrective</p> <p>13 action plan?</p> <p>14 A Yes, I did.</p> <p>15 Q And did you believe that that</p> <p>16 corrective action plan was fair at the</p> <p>17 time?</p> <p>18 A Based on?</p> <p>19 Q What you reviewed. Based on</p> <p>20 what you understood the</p> <p>21 administration's concerns to be.</p> <p>22 A Yes.</p> <p>23 Q And did you ever have an</p> <p>24 opportunity then to review any latter</p> <p>25 corrective action plans which would</p>	<p>1 longer be passed out to her students.</p> <p>2 And I sat through that meeting with</p> <p>3 her.</p> <p>4 Q Was there a copy of the survey</p> <p>5 provided to you at that time, or did</p> <p>6 you at some point see a copy of the</p> <p>7 survey?</p> <p>8 A Yes.</p> <p>9 ATTORNEY HEATH:</p> <p>10 Excuse me one second. I</p> <p>11 have other copies.</p> <p>12 (Deardorff Exhibit Number</p> <p>13 One marked for</p> <p>14 identification.)</p> <p>15 BY ATTORNEY HEATH:</p> <p>16 Q I'll show you what I'd like to</p> <p>17 mark as Deardorff One, and ask you to</p> <p>18 take a look at it, please.</p> <p>19 MS. DELEON:</p> <p>20 This shouldn't be in my</p> <p>21 file.</p> <p>22 ATTORNEY NICHOLS:</p> <p>23 What do you mean?</p> <p>24 MS. DELEON:</p> <p>25 All of these were</p>

Page 18	Page 20
<p>1 supposed to be thrown out. They</p> <p>2 shouldn't be in my file.</p> <p>3 BY ATTORNEY HEATH:</p> <p>4 QIs this a copy of the survey</p> <p>5 that ---</p> <p>6 MS. DELEON:</p> <p>7 It shouldn't be allowed.</p> <p>8 BY ATTORNEY HEATH:</p> <p>9 Q--- you reviewed?</p> <p>10 AYes, it is.</p> <p>11 QAnd was this something that was</p> <p>12 addressed at a specific meeting wherein</p> <p>13 the administration had directed Ms.</p> <p>14 deLeon specifically not to pass out</p> <p>15 this survey?</p> <p>16 AYes.</p> <p>17 QAnd did you become aware at any</p> <p>18 point that this was passed out to</p> <p>19 subsequent classes?</p> <p>20 AMrs. deLeon said that it was</p> <p>21 passed out to one of her classes.</p> <p>22 QAnd in reviewing the survey, do</p> <p>23 you believe that the questions that are</p> <p>24 asked in the survey are appropriate?</p> <p>25 ANo.</p>	<p>1 Q.Were you involved in any kind of</p> <p>2 conference wherein the parents of Brian</p> <p>3 Gray attended?</p> <p>4 ANo, I was not.</p> <p>5 QDid you become aware at any time</p> <p>6 that there was a parent conference with</p> <p>7 the Grays concerning the issue?</p> <p>8 AOnly after this meeting with Ms.</p> <p>9 deLeon.</p> <p>10 QSo is it your testimony that</p> <p>11 this survey then was circulated after</p> <p>12 Ms. deLeon had specifically been</p> <p>13 directed by the administration not to</p> <p>14 pass it out to any additional classes?</p> <p>15 ANo. She passed it out to one.</p> <p>16 She had the meeting with Mr. Deshner</p> <p>17 and myself, and then to the best of my</p> <p>18 knowledge, she did not pass it out</p> <p>19 after that.</p> <p>20 QAnd if, in fact, she had passed</p> <p>21 it out, would that have been a direct,</p> <p>22 indirect, violation of a directive she</p> <p>23 was given at the meeting by the</p> <p>24 administration?</p> <p>25 AYes.</p>
Page 19	Page 21
<p>1 QAnd can you point to anything</p> <p>2 specifically that you believe is</p> <p>3 inappropriate?</p> <p>4 AI think number 34, talking about</p> <p>5 personal matters.</p> <p>6 QWhich says how often did I make</p> <p>7 PMS jokes? What did I say?</p> <p>8 ARight. And number 36.</p> <p>9 QHow often did I talk about my</p> <p>10 daughter? What did I say?</p> <p>11 AAnd probably 27.</p> <p>12 QHave I ever discussed with this</p> <p>13 class about a personal student's</p> <p>14 behavior? What did I say? Were you</p> <p>15 aware of --- and how did this come to</p> <p>16 your attention in relation to Brian</p> <p>17 Gray? Was there any correlation?</p> <p>18 AAt the time of the conference,</p> <p>19 Mr. Deshner talked with her, with Mrs.</p> <p>20 deLeon, concerning this and brought his</p> <p>21 name up at that time.</p> <p>22 QAnd brought his name up in what</p> <p>23 context?</p> <p>24 AThat she was referring to him</p> <p>25 when she asked specific questions.</p>	<p>1 QAnd would that constitute</p> <p>2 insubordination as far as you're aware?</p> <p>3 AYes.</p> <p>4 QAt any time, did Ms. deLeon ever</p> <p>5 discuss her mental health with you?</p> <p>6 Let me just give you a time frame.</p> <p>7 Were you aware that she took a</p> <p>8 sabbatical in 1997 ---</p> <p>9 AYes.</p> <p>10 Q--- until 1999?</p> <p>11 AYes.</p> <p>12 QDid you know the reason why?</p> <p>13 AWell, because she had to take</p> <p>14 not only a sabbatical but use some days</p> <p>15 from the sick bank. I was involved in</p> <p>16 that. At that time, there was a</p> <p>17 doctor's excuse required for that, and</p> <p>18 that's why I became aware of the fact</p> <p>19 that it was gynecological problem.</p> <p>20 That's all I knew.</p> <p>21 QDid you have any understanding</p> <p>22 of whether or not any mental health</p> <p>23 issues were involved in that time?</p> <p>24 ANo.</p> <p>25 QAnd that's all that the doctor's</p>

Page 22	Page 24
<p>1 excuse said that you were relying on; 2 correct? 3 A. That's all from what I remember. 4 Q. And being in charge of the sick 5 bank, what does that mean? What did 6 you do then? 7 A. Well, there's a committee that 8 is made up of the superintendents and 9 three or four union personnel. And 10 basically what it is to make sure that 11 the request is legitimate. There are 12 certain rules that go along with the 13 sick bank, and one of the requests that 14 has to be met was that she had to have, 15 or anyone has to have, a doctor's 16 excuse. So she was complying with 17 that. 18 Q. Upon her return from the 19 sabbatical, Ms. deLeon was scheduled to 20 travel between classes; do you recall 21 that? 22 A. Yes. 23 Q. And was she the only teacher 24 that had to travel between classes at 25 that time?</p>	<p>1 recall being in a meeting where it was 2 signed by Ms. deLeon in June and you 3 worked on it through the summer with 4 her, or was that the 2001/2002, do I 5 have any years wrong? 6 A. I think the first one is where 7 she received it in June and was going 8 to --- she said she was going to work 9 on it over the summer. 10 Q. And were you in the meeting when 11 she received that plan? 12 A. Yes. 13 Q. And did you observe Ms. deLeon 14 signing that corrective action plan? 15 A. To the best of my knowledge, 16 yes. 17 Q. And in signing the corrective 18 action plan, does that have any 19 significance as far as the union is 20 concerned, if a teacher signs it? 21 A. I think she understands it and 22 she needs to comply with it. 23 Q. Relative to your involvement 24 with Ms. deLeon over the years, did you 25 notice any pattern of issues recurring</p>
<p>Page 23</p> <p>1 A. Not that I know of. 2 Q. And what circumstances dictated 3 the schedule, I mean, of who traveled 4 and who didn't travel? I mean, was 5 there a space issue? 6 A. It was space. There was just 7 the scheduling itself, how many 8 classes, how many teachers, how many 9 students. There are a lot of things 10 that were taken into account. 11 Q. And was traveling, whether or 12 not a person had to travel, was that 13 based on seniority in any way, or any 14 part of the collective bargaining 15 agreement? 16 A. Not to my knowledge, no. 17 Q. And whether or not a teacher had 18 to travel, was that something that was 19 a grievable issue? 20 A. No. 21 Q. No, it was not grievable? 22 A. No, it was not grievable. 23 Q. With regard to the corrective 24 action plan that I had mentioned for 25 the 2000/2001 school year, do you</p>	<p>Page 25</p> <p>1 again and again, concerning her 2 teaching performance? 3 A. I think the classroom discipline 4 was one area that the administration 5 continually brought up to our 6 attention. 7 Q. Anything else that you recall? 8 A. Sometimes her tardiness in class 9 and coming to school on time. 10 Q. In your opinion, do you believe 11 that the administration was targeting 12 her because she was Hispanic? 13 A. No. 14 Q. Did you ever have any 15 involvement with recommending --- after 16 you stepped out as union president, did 17 you ever have any involvement with 18 recommending to the building 19 representatives or the grievance 20 chairpeople that you suggested that two 21 people be in a meeting with Ms. deLeon? 22 A. Yes. 23 Q. What involvement did you have in 24 that respect? 25 A. I think from past experience, I</p>

Page 26	Page 28
<p>1 found that Ms. deLeon needed --- and 2 the Association also needed two people 3 available, one to help keep Ms. deLeon 4 focused on what was going on at the 5 meeting. The other one was to take 6 accurate notes. So I recommended that 7 two people go in. From past 8 experience, I recommended that two 9 people go into the meetings with her. 10 Q And when you say it was because 11 of past experience you wanted to have 12 one person in there to keep Ms. deLeon 13 focused, what do you mean by that? Why 14 did you think that was necessary? 15 A There were times when I think 16 that Ms. deLeon had difficulty 17 focusing, keeping track of what they 18 were trying to say to her, 19 understanding what they were trying to 20 say to her. There were times when I 21 would have to use my hand and we would 22 go over the action plan, and I was 23 trying to get her to focus back on the 24 words; on the paper, so I did that. I 25 think she needs some comforting.</p>	<p>1 Q And what did you do? 2 A I just kind of sat beside her 3 and took my hand on the paper and tried 4 to get her to refocus on the paper that 5 they were going over with her. 6 Q Were you ever involved in any 7 meetings with Ms. deLeon when student 8 confidentiality was raised, or the 9 issue of breaching student 10 confidentiality was raised? 11 A Yes. 12 Q What do you recall about that? 13 A Well, the one meeting for sure 14 that I remember was the meeting with 15 the survey. And Mr. Desfner did 16 discuss with her --- he said it was 17 very important that information, 18 personal information, was kept just 19 that, personal, and that the 20 confidentiality of students' behaviors 21 in the classroom and outside the 22 classroom was not to be discussed with 23 anyone in the classroom. 24 Q And subsequent to that time, and 25 I believe the Brian Gray situation was</p>
Page 27	Page 29
<p>1 Q Was there any time that you ever 2 became aware that she, with regard to 3 her focusing issue --- where she didn't 4 seem to be making eye contact with the 5 administrators during the meetings, 6 where she'd be looking at the floor and 7 not looking at the papers or drifting 8 off elsewhere? Do you ever recall 9 that? 10 A Yes, yes. 11 Q Can you recall anything 12 specifically about that? 13 A Without a date or an incident, 14 probably I can't. I mean, I remember 15 times especially with the action plan, 16 you know, where she was not focused. 17 That was one time I can remember. 18 Q And what was she doing? 19 A She was looking at the floor, 20 and had at one point turned her back to 21 the administration as they were 22 talking. 23 Q In the meeting, she turned her 24 back to them? 25 A Yes.</p>	<p>1 approximately in 1994, do you recall 2 any subsequent times when the issue of 3 student confidentiality was discussed 4 relative to Ms. deLeon? 5 A I think with her --- 6 Q Was it ever raised again? 7 A I think with her 8 unsatisfactory, yes, it was raised. 9 Q Do you have an understanding of 10 the school policy concerning student 11 confidentiality? 12 A Yes. 13 Q And what is your understanding 14 relative to its being discussed outside 15 of School District personnel? 16 A It should not be discussed 17 outside of need-to-know basis. 18 Q And with regard to the need-to- 19 know basis, would that also apply in 20 the school relative to discussing 21 student information in front of other 22 students? 23 A Yes. 24 Q Would that be considered a 25 violation of School District policy?</p>

Page 30	Page 32
<p>1 A Yes.</p> <p>2 Q What about discussing a</p> <p>3 student's behavioral problems in the</p> <p>4 hallway with another teacher so that</p> <p>5 other people could overhear that?</p> <p>6 A I guess it goes back to the</p> <p>7 need-to-know basis, and it should not</p> <p>8 be discussed if other people can</p> <p>9 overhear it.</p> <p>10 Q Did the School District ever</p> <p>11 provide in-services or other trainings</p> <p>12 on confidentiality issues, such as</p> <p>13 FERPA or school policy?</p> <p>14 A I'm sure we've had --- I can't</p> <p>15 name one specifically, but I'm sure we</p> <p>16 have had many discussions on</p> <p>17 confidentiality in various ways.</p> <p>18 Q But you do specifically recall</p> <p>19 Mr. Deshner stressing student</p> <p>20 confidentiality with Ms. deLeon</p> <p>21 concerning the Brian Gray issue?</p> <p>22 A Yes.</p> <p>23 Q Were you involved in any</p> <p>24 meetings in the spring of 2002, wherein</p> <p>25 an independent medical examination was</p>	<p>1 calm her down?</p> <p>2 A I think we talked maybe for a</p> <p>3 half hour.</p> <p>4 Q And do you recall anything else</p> <p>5 specifically about that time, and Ms.</p> <p>6 deLeon's demeanor?</p> <p>7 A She did calm down, and we did go</p> <p>8 back to the meeting and finish the</p> <p>9 meeting. I did tell her that she would</p> <p>10 be insubordinate if she didn't go, and</p> <p>11 so we did. We did go back in.</p> <p>12 Q At that time, what was she</p> <p>13 expressing to the administration that</p> <p>14 you recall concerning her mental</p> <p>15 health?</p> <p>16 A She was saying that she had</p> <p>17 mental health problems and that they</p> <p>18 requested that she have a doctor's</p> <p>19 excuse or a doctor's statement saying</p> <p>20 that she could go no further with this</p> <p>21 conference, and she was attempting to</p> <p>22 get that from her doctors.</p> <p>23 Q And prior to that time, did you</p> <p>24 have any awareness concerning her</p> <p>25 mental state, or that she had mental</p>
Page 31	Page 33
<p>1 specified that Ms. deLeon should have a</p> <p>2 psychiatric examination at that time?</p> <p>3 A Yes.</p> <p>4 Q What do you recall about that</p> <p>5 time frame?</p> <p>6 A The central administration, Mr.</p> <p>7 Dolecki's office, called and said that</p> <p>8 they wanted me at a meeting, I want to</p> <p>9 say three o'clock, that I needed to be</p> <p>10 there representing Ms. deLeon. So I</p> <p>11 did go. And at that time, the</p> <p>12 administration, if I remember</p> <p>13 correctly, it was the time when they</p> <p>14 asked her for --- they were giving her</p> <p>15 a leave with pay, and that she ---</p> <p>16 pending a psychiatric of which they</p> <p>17 would pay for.</p> <p>18 Q What was Ms. deLeon's demeanor</p> <p>19 at that time?</p> <p>20 A She was quite upset, and did</p> <p>21 walk out of the meeting.</p> <p>22 Q And did you at that time try to</p> <p>23 calm her down?</p> <p>24 A Yes, I did.</p> <p>25 Q And how long did it take you to</p>	<p>1 health issues?</p> <p>2 A No, I did not.</p> <p>3 ATTORNEY HEATH:</p> <p>4 Can we go off the record</p> <p>5 for a moment?</p> <p>6 SHORT BREAK TAKEN</p> <p>7 ATTORNEY HEATH:</p> <p>8 Nothing further.</p> <p>9 EXAMINATION</p> <p>10 BY ATTORNEY NICHOLS:</p> <p>11 Q Ms. Deardorff, I have a few</p> <p>12 questions. I'm Caleb Nichols</p> <p>13 representing Ms. deLeon. I have a few</p> <p>14 questions on matters you have testified</p> <p>15 to under oath here. You have been</p> <p>16 involved with the union in a</p> <p>17 consequential position. I hear you</p> <p>18 were president, you say, 1998 through</p> <p>19 2002?</p> <p>20 A That's correct.</p> <p>21 Q And more recently you were</p> <p>22 second vice-president; is that correct?</p> <p>23 A For one year.</p> <p>24 Q Okay. And currently your</p> <p>25 affiliation with the union?</p>

Page 34	Page 36
<p>1 A I am not.</p> <p>2 Q You have no affiliation. Okay.</p> <p>3 Now, with respect to the action plan</p> <p>4 that was brought up in which I believe</p> <p>5 Ms. deLeon was assigned first in the</p> <p>6 school year 2001/02, and then</p> <p>7 subsequent school years, okay? What is</p> <p>8 your understanding --- if you do know,</p> <p>9 what would be the reasons why a teacher</p> <p>10 would be assigned to a formal action</p> <p>11 plan?</p> <p>12 A Are you asking specifically why</p> <p>13 Ms. deLeon was?</p> <p>14 Q Well, I'm asking generally.</p> <p>15 It's a more generic question. You have</p> <p>16 been involved in unions, you've been a</p> <p>17 teacher, you've been, you know. I take</p> <p>18 it --- I'm not sure how many years</p> <p>19 you've been involved in the school</p> <p>20 system, but if you know, what generally</p> <p>21 are the reasons that a teacher is</p> <p>22 assigned to perform according to an</p> <p>23 action plan?</p> <p>24 A A teacher is assigned an action</p> <p>25 plan when the administration has</p>	<p>1 teachers, teachers who gained tenure,</p> <p>2 vis- -vis those who are new, relatively</p> <p>3 new and inexperienced?</p> <p>4 A I would say 50/50.</p> <p>5 Q Fifty (50)/50?</p> <p>6 A Yes.</p> <p>7 Q Is it true that the action plan</p> <p>8 requires a teacher to do typically more</p> <p>9 work and it's a more stringent standard</p> <p>10 that a teacher must meet, is that fair</p> <p>11 to say?</p> <p>12 ATTORNEY HEATH:</p> <p>13 Objection to form.</p> <p>14 BY ATTORNEY NICHOLS:</p> <p>15 Q You can answer. Is that a fair</p> <p>16 characterization of an action plan?</p> <p>17 A In the long run, an action plan</p> <p>18 is supposed to make their job easier</p> <p>19 because they are then complying with</p> <p>20 what they need to comply with.</p> <p>21 Q Well, in fact, doesn't it</p> <p>22 constitute more work for a teacher</p> <p>23 though?</p> <p>24 A Sometimes.</p> <p>25 Q Usually?</p>
Page 35	Page 37
<p>1 observed and deemed appropriate or the</p> <p>2 behavior or the demeanor in the</p> <p>3 classroom or outside the classroom is</p> <p>4 not appropriate, and can specifically</p> <p>5 give data to support that action plan.</p> <p>6 Q And basically ---?</p> <p>7 A It's to improve. It's to help</p> <p>8 the teacher improve.</p> <p>9 Q Improve. And based upon your</p> <p>10 experience, is it more likely that</p> <p>11 relatively new teachers are assigned</p> <p>12 action plans, not more senior teachers</p> <p>13 would be assigned? That has been your</p> <p>14 experience?</p> <p>15 A No, not really.</p> <p>16 Q Oh, it has not?</p> <p>17 A No.</p> <p>18 Q Well, tell me, please, based</p> <p>19 upon your experience in terms of if we</p> <p>20 were to give percentages, would it be</p> <p>21 perhaps the number of teachers you</p> <p>22 observed were assigned to perform under</p> <p>23 action plan would be --- what</p> <p>24 percentage would be senior, and by</p> <p>25 senior I mean let's say tenured</p>	<p>1 A Initially.</p> <p>2 Q Isn't that usually so with the</p> <p>3 case?</p> <p>4 A Initially, it would be.</p> <p>5 Q On this document, if I'm moving</p> <p>6 from the action plan, on this document</p> <p>7 that we're referring here dated March</p> <p>8 29, 1994, you say you recall that Ms.</p> <p>9 deLeon was ordered to discontinue use</p> <p>10 of it, is that correct, the survey?</p> <p>11 A That's correct.</p> <p>12 Q Is that correct?</p> <p>13 A Yes.</p> <p>14 Q Approximately what time frame</p> <p>15 are you talking about?</p> <p>16 A During the day.</p> <p>17 Q No, no, year, a school year, a</p> <p>18 school year.</p> <p>19 A March.</p> <p>20 Q March of which year, ma'am?</p> <p>21 A '94.</p> <p>22 Q March of '94?</p> <p>23 A That's what's on here, so I</p> <p>24 assume that's the date.</p> <p>25 Q Okay. But this issue rule, was</p>

1 this issue subsequently raised at some
2 subsequent school year after March
3 1994?

4 A Not to my knowledge.

5 Q Okay. Are you sure it was not

6 used as a basis to sanction Ms. deLeon?

7 A Sanction how?

8 Q Well, I mean penalize her. You

9 say she was ordered not to use it.

10 Well, was she sanctioned or penalized

11 for having used it the first time?

12 A Not to my knowledge.

13 Q Not to your knowledge. Are you

14 aware though that arbitrator --- Ms.

15 deLeon went before four arbitrators?

16 A I least one of those arbitrators

17 ordered this to be removed, among other

18 documents, removed from her personnel

19 file for reasons that he thought it

20 was, I believe, prejudicial. Are you

21 aware of that order rendered by an

22 arbitrator?

23 A I remember that there was an

24 order, but I don't remember what

25 specific document it was.

1 care. Is that a secret?

2 ATTORNEY HEATH:

3 Objection. Asked and

4 answered. Go ahead and answer.

5 A I know that from the documents

6 that I had from the sabbatical and the

7 sick bank that the document that I saw

8 was from a gynecologist at that time.

9 And that was in the '97 time frame,

10 that time frame, I think.

11 BY ATTORNEY NICHOLS:

12 Q And the sabbatical leave, '97

13 and '98, the sabbatical leave she took,

14 you didn't know that was for ---

15 A I would not know that.

16 Q --- a mental health condition?

17 A I would not know that.

18 Q All right. And subsequent to

19 that, when you served as president of

20 the union, 1998 to 2002, there were

21 issues that came to you, your body, the

22 union, concerning Ms. deLeon, some of

23 which involved her taking leave, her

24 mental health condition; right? You

25 were privy to that; right?

1 Q Yeah. Well, at least one of the

2 arbitrators, I mean --- I believe it's

3 the first Arbitrator Stolenberg

4 (phonetic) or perhaps Arbitrator

5 Dalaricka (phonetic) ordered that this

6 document, among others, be removed from

7 her personnel file for reasons I think

8 he thought it was an improper and

9 prejudicial piece of information. I

10 just note that in light of your saying

11 that she was discontinued from using

12 something, which this arbitrator said

13 obviously is valid. I just want to

14 note that for the record. Okay? All

15 right.

16 Now, you were aware of Ms.

17 deLeon's mental health condition;

18 right?

19 A At what point?

20 Q Well, at any point. You've

21 known her for a long time. You've

22 known her record. You've been involved

23 as a union person, and her records,

24 it's no secret; is it, to come to you?

25 You know that she was under doctor's

1 A Only toward the end.

2 Q Well, what end are we talking

3 about, then? What years are we talking

4 about?

5 A Probably 2001/2002.

6 Q All right. Expound on that

7 then, Ms. Deardorff. You said only to

8 the end. To the extent that you know,

9 please state for the record what did

10 you know about her mental health

11 condition.

12 A All I knew is that she was

13 seeing a psychologist, and that at the

14 time of that meeting, the document that

15 I had in front of me said that she was

16 not able to attend that meeting at that

17 time.

18 Q Okay. All right. And that was

19 the extent of your knowledge of her?

20 A That's correct.

21 Q Okay. And you stepped down in

22 2002?

23 A That's correct.

24 Q And you thereupon became a vice-

25 president; right?

<p>Page 42</p> <p>1 A Second vice-president. 2 Q Second vice-president. In that 3 position, what was your function? Did 4 the issues regarding Ms. deLeon also 5 come to you, to your attention, in that 6 position as well? 7 A Just for a period of time in 8 which there was a transfer of personnel 9 from my position as president to the 10 next person who was taking over, and I 11 would help him to get organized and 12 give him some background information. 13 Q Now, while you were a union 14 official, you knew that Ms. deLeon had 15 problems with the administration? That 16 was no secret, was it? You knew that, 17 right? 18 A What do you mean by problems? 19 Q Well, I mean you say there were 20 meetings with you as president, that 21 you'd help and assist her, she was 22 visibly angry, those type of problems? 23 A Yes. 24 Q Right? You knew that, right? 25 A Yes.</p>	<p>Page 44</p> <p>1 there to assist her, certainly do more 2 than hand holding. You knew she was 3 fighting and she alleged 4 discrimination? What did the union do? 5 What did you do to help her? 6 ATTORNEY HEATH: 7 Objection to form. I 8 don't know. You asked so many 9 questions that I don't know what 10 question he's asking. 11 BY ATTORNEY NICHOLS: 12 Q Well, I'm going to ask this 13 question. What did the union official 14 do or they should do during this period 15 to help her when she came and said I've 16 been mistreated by the administration? 17 ATTORNEY HEATH: 18 What period? 19 BY ATTORNEY NICHOLS: 20 Q What did you as a union official 21 do, if anything? 22 A When, at what time? 23 Q You tell me. If you didn't do 24 anything, you didn't do it at any time, 25 but tell me for the record. You can</p>
<p>Page 43</p> <p>1 Q And I'm saying, when did this 2 first come to your attention that Ms. 3 deLeon had problems with the 4 administration? When did that first 5 come to your attention? 6 A I'm not really sure, to tell you 7 the truth. 8 Q Don't know? 9 A No, I dealt with her for years. 10 Q Did Ms. deLeon ever bring to 11 your attention that she felt that she 12 was being mistreated, discriminated 13 against by the school administration? 14 Did she ever bring that to your 15 attention? 16 A Not in those terms. 17 Q In what terms did she bring it 18 to your attention? 19 A She felt that maybe they were, 20 unfair. 21 Q And did she specify? Did you 22 inquire? As a member of the union, she 23 had been a member of the union, wasn't 24 it your job to make some kind of 25 inquiry? To assist, you say you were</p>	<p>Page 45</p> <p>1 say so, that I didn't do anything. 2 ATTORNEY HEATH: 3 Objection. 4 BY ATTORNEY NICHOLS: 5 Q Just say it. 6 A No, that's not true. 7 Q All right. Tell us what the 8 union did, if it's not true. If what 9 I'm saying is not true, tell me what is 10 correct. 11 ATTORNEY HEATH: 12 I'm just going to make an 13 objection for the record because 14 I don't think that you 15 understand the difference 16 between what the union does 17 pursuant to upholding the 18 collective bargaining agreement 19 versus what the PHRC does for 20 separate issues that involve 21 alleged discrimination. I'm 22 just making that statement for 23 the record. 24 ATTORNEY NICHOLS: 25 Well, I want to say that</p>

<p>Page 46</p> <p>1 the union certainly has an 2 obligation to process 3 grievance's; doesn't it? 4 ATTORNEY HEATH: 5 Well, you're not asking 6 me questions. 7 ATTORNEY NICHOLS: 8 And doesn't it include 9 discriminations, grievances; 10 doesn't it? 11 ATTORNEY HEATH: 12 Why don't you ask her the 13 questions? 14 ATTORNEY NICHOLS: 15 Am I wrong? 16 BY ATTORNEY NICHOLS: 17 Q Ms. Deardorff, am I wrong? 18 A. What question are you asking me? 19 Q That's the question I'm asking 20 you. Doesn't the union have a duty and 21 obligation to process discrimination 22 complaints on behalf of its membership? 23 She was a dues-paying member. Am I 24 wrong when I say that? 25 A No, we did that.</p>	<p>Page 48</p> <p>1 ATTORNEY HEATH: 2 She's here under a 3 subpoena. 4 BY ATTORNEY NICHOLS: 5 Q That's understood you came as a 6 subpoena, but nonetheless, do you feel 7 uncomfortable to come here testifying 8 against her today, and everything you 9 said today, you testified against her? 10 A I don't feel I did. I just --- 11 Q Your testimony is completely in 12 accord with the administration. Every 13 question she asked you was against her. 14 She's a member of the union and you're 15 a union official. And I'm asking you, 16 in your heart do you feel any 17 compunction of having come here 18 testifying that way? You can say yes 19 or no. 20 ATTORNEY HEATH: 21 Objection to form. You 22 may answer. 23 A I came here under subpoena. 24 They told me that I had to be here, and 25 I had to tell the truth. And that's</p>
<p>Page 47</p> <p>1 Q Tell us specifically, what did 2 you do? 3 A Each time that Ms. deleon had a 4 meeting with the administration which 5 we were included, we called PSEA. PSEA 6 took over at that point. 7 Q All right. 8 A And that's their attorney. They 9 have an attorney and they took over 10 from there. 11 Q You were not involved in it in 12 any way? 13 A I was basically a data collector 14 and I made sure that the dates were 15 kept intact as far as information that 16 I had to approve it, had to meet a time 17 frame for the grievances. 18 Q As a member of the union and 19 union official, and knowing Ms. 20 deleon's situation, you said she came 21 to you, they're mistreating. She was 22 mistreated. Do you feel uncomfortable 23 to come here today and testify against 24 her? Do you? 25 A I don't feel I ---</p>	<p>Page 49</p> <p>1 what I'm doing. 2 BY ATTORNEY NICHOLS: 3 Q Okay. Okay. 4 ATTORNEY NICHOLS: 5 Well, I have no more 6 questions, Ms. Deardorff. 7 ATTORNEY HEATH: 8 No further questions. 9 Thank you. 10 11 * * * * * 12 DEPOSITION CONCLUDED AT 4:42 P.M. 13 * * * * * 14 15 16 17 18 19 20 21 22 23 24 25</p>

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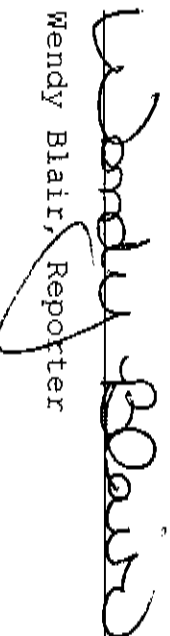
C E R T I F I C A T E

I, Wendy Blair, a Commissioner of Deeds in
and for the Commonwealth of Pennsylvania, do
hereby certify:

That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on
said date and that the transcribed deposition of
said witness is a true record of the testimony
given by said witness;

That the proceeding is herein recorded fully
and accurately;

That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further
that I am not a relative of any attorney or
counsel employed by the parties hereto, or
financially interested in this action.


Wendy Blair, Reporter

WENDY S. BLAIR
Commonwealth of Pennsylvania
Commissioner of Deeds
My Commission Expires June 5, 2006

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